

It has been 10 days now since the letter containing anthrax was opened in my office in the Hart Building. We now have the final results on all the nasal swabs collected by the attending physician's office. Of the more than 6,000 swabs, 28 were positive for exposure. All 28 of the people whose nasal swabs were positive were on the fifth and sixth floors of the Hart Building's southeast quadrant last Monday. All are being treated with antibiotics. I am happy to say that all currently are healthy.

In all, more than 400 people who worked in or passed through the fifth or sixth floor of the Hart Building's southeast quadrant last Monday are being treated with a full 60-day course of antibiotics.

I know I speak for all of us on Capitol Hill when I say how deeply saddened we are by the deaths this week of the two postal workers from the Brentwood mail facility. We are also concerned about the two other employees from the Brentwood facility who are currently hospitalized and fighting anthrax infections.

On behalf of the entire Senate, I say that our thoughts and prayers are with them, their families, and all of the men and women of the U.S. Postal Service. They are dedicated public servants and they, like the Capitol Police and Senate employees exposed to anthrax, are innocent victims.

As for the buildings, the Capitol itself has been open all week for official business. After virtually around-the-clock environmental testing, a number of other buildings in the Capitol complex have begun reopening.

The Russell Senate Office Building reopened yesterday. The Rayburn and Cannon House Office Buildings reopened today. Also open today are the Senate day care center, Webster Hall, the Senate page dorm, and the Postal Square where Senate offices have been given temporary work spaces. The mailroom in the Dirksen Senate Office Building where a trace of anthrax was discovered last week is being remediated today. Pending the results of environmental tests, it is my expectation that the Dirksen Office Building will be reopened tomorrow.

We have also learned that evidence of anthrax was found on the air-conditioning filter on the ninth floor of the Hart Building and the stairwell leading from the eighth to the ninth floor. The experts say this is neither a surprise nor a concern. Environmental testing and nasal swabs of this section of the Hart Building show no further exposure beyond what we already know.

In addition, late last night we learned that the environmental tests in the freight elevator in the southwest quadrant of the Hart Senate Office Building tested positive. Based on this finding, the attending physician now recommends that anyone who rode in that freight elevator on October 11, the probable date the letter was delivered to my office, or later, be treated with a

60-day course of antibiotics. Anyone who rode on the southwest Hart freight elevator should see the attending physician.

The Hart Building will reopen as it is completely safe. The reopening has been the subject of a good deal of discussion with all of our teams of consultants in and out of the Government. We are looking at the most appropriate way with which to remediate the Hart Building. Some have suggested we remediate the area before any of it is open. If that is possible, that will be our plan.

If it is determined that it is not possible to remediate it in the not-too-distant future, within the next several days, we may have to remediate it in stages and open up the Hart Building in stages.

First, though, before any part of the building reopens, environmental specialists will examine the nine floors in the southeast quadrant and the area near the southwest freight elevator where anthrax was detected. The exact footprint of the southwest quadrant to be examined is still being determined by both scientific and medical specialists.

This anthrax assault has forced a number of temporary changes in the way we work on Capitol Hill. On Monday and Tuesday, all 100 Senators worked out of the Capitol Building. It may be the first time Senators shared such close quarters since the Russell Office Building opened in 1909. While the accommodations were a little cramped, the spirit of determination and cooperation in the Capitol this week has certainly been admirable.

This incident has also forced another temporary change on the Hill. Every week more than 250,000 pieces of mail are sent to the U.S. Senate alone. The mail Senators receive is an important lifeline. It is how our constituents tell us what is on their minds and how they communicate when they need help.

Since last Monday, when the U.S. Postal Service halted delivery to the Capitol, mail for Senators has been piling up in a regional postal facility. It will continue to be held there until we are absolutely certain it poses no risk to anybody, and it will be remediated as well. The postal workers who handle it and the staffers who open it will all be protected.

The Senate Sergeant at Arms is working closely with the Postal Service and with medical and environmental experts to establish procedures for safe mail handling and delivery.

This has been a difficult week—not only for my staff and others here on Capitol Hill but for our Nation's postal workers and for many Americans. My staff and I are grateful for the outpouring of concern and support we continue to receive from all over the country.

I thank the many experts who continue to work virtually around the clock—the Federal Government, the military, the District of Columbia and,

of course, our colleagues and staff here in the Senate. The challenge facing these people, in particular, is unprecedented in American history. To a person, they have responded admirably and enabled the Senate to move ahead with the legislative business of our Nation. I am grateful to each one of them, and I thank them for their effort.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 1984

(Purpose: To prohibit the use of appropriated funds to label, mark, stamp, or tag as "inspected and passed" meat, meat products, poultry, or poultry products that do not meet pathogen reduction performance standards)

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1984:

On page 78, between lines 2 and 3, insert the following:

#### SEC. 7. PATHOGEN REDUCTION PERFORMANCE STANDARDS.

(a) None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture to label, mark, stamp, or tag as "inspected and passed" meat, meat food products, poultry, or poultry products under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) produced in establishments that do not meet pathogen reduction performance standards (including regulations), as determined by the Secretary in accordance with applicable rules of practice.

(b) RULEMAKING.—Not later than May 31, 2002 the Secretary shall initiate public rulemaking to ensure the scientific basis for any such pathogen reduction performance standard.

Mr. HARKIN. Mr. President, this amendment, I believe, comes at a very critical time in our Nation for concerns about our safety, about food safety, about what the Secretary of Health and Human Services has told us—that less than 1 percent of our imported food is being inspected. There is great concern.

Quite frankly, I have been involved in agricultural matters now for 27 years. For many of those 27 years, I was involved, in both the House and the Senate, in changing the inspection procedures at the U.S. Department of Agriculture dealing with meat, poultry, meat products, and poultry products to ensure that the people of our

country would have the highest assurance that the meat products and poultry products they were purchasing in the store would be safe, that they would have reduced pathogens, and that people could buy them with the absolute assurance that every possible step was taken to ensure they would not get sick.

We have had cases in the recent past. We know about the Jack In The Box and E. Coli 015787. People died. We know from some of the lunch meat packaged in a plant in Michigan where people got sick. Some died there as well. There isn't a week that goes by that we don't hear reports of some illness someplace because of food, food products. It is not always meat, it may be other things.

So during these years, we changed the processes to ensure we would have meat and meat products that would be as free from pathogens as possible. We called that the HACCP. That is what everybody calls it. It stands for the Hazard Analysis Critical Control Point rule. We adopted that in 1996. It was a landmark revision of the meat and poultry inspection system. This rule implemented sweeping changes to accomplish one primary goal: To ensure safer meat and poultry products, to reduce the level of pathogens on meat and poultry products. That is why we did it. It took us years to get to that point.

It was a significant departure from previous meat and poultry inspection efforts—the old poke and sniff system. That is what it was. You looked at it, you poked it and sniffed it, and if it seemed OK, it went through. It did absolutely nothing to ensure the reduction of pathogens.

So for the first time, USDA was not only focused on ensuring good sanitation in plants, which we had always done, going clear back to the Wholesome Meat Act, but also on reducing pathogens—the things that really were making people sick. You might have had a plant that wasn't the cleanest in the world, but it may not have had pathogens. Maybe the plant looked clean on the outside—clean and sparkling—but at some point in that processing plant, or packing plant, pathogens could be entering the meat or meat products.

The pathogen reduction rule that accompanied the HACCP rule established a modern inspection system based on two fundamental principles:

First, the meat and poultry industry has the primary responsibility to ensure the safety of our products by designing and implementing food safety plants. Again, this is something the industry wanted. All these years, the industry kept coming to us saying: We can do it ourselves. We can set up systems to control the safety of our food and our meat and our meat products. So we said: OK, fine, you can have that authority. We will give that to you, along with the responsibility. So that was the first fundamental principle—

that the industry was now going to be responsible.

The second fundamental principle was that the public health is best served by reducing the level of pathogens on meat and poultry products nationwide. You might say, well, if you buy something with pathogens on it, if you cook it well enough, you don't have to worry. Fine. But a lot of people don't. A lot of people don't. So we said the public health of America is best served by reducing the pathogens on meat and poultry products.

To accomplish these two principles, USDA developed pathogen reduction standards using salmonella as the indicator bacteria.

These standards set targets that plants have to meet for reducing microbial pathogen levels. If a plant repeatedly fails to meet these targets, USDA may refuse to inspect the plant's products, effectively shutting the plant down until that plant implements a corrective action plan to meet the pathogen reduction standard. Recognize, I say "may." The USDA may refuse to inspect the plant's products. It does not say "shall." It says, "may." So there is broad authority for the Secretary of Agriculture to work with a plant. If it has a problem, if there are pathogens that have showed up in the meat or poultry products, the Secretary can work with the plant.

How did the pathogens get there? From where did they come? How do you control it? How do you keep it from happening in the future? That has been the process by which USDA has operated under this rule.

Quite frankly, we have had some pretty amazing results. I use this first chart again to repeat for the sake of emphasis what I said. To ensure safe food we needed two things: We needed the HACCP plan. Plus, we needed the pathogen reduction standards.

If you take away one or the other, it does not work. So you need both. So what has happened since 1996 when we first changed this and started implementing it? From 1998 to 2000, 2 years, salmonella, which makes you pretty sick—I know because I had it once—the class of the product, using the present performance standard, the one we now have, boilers have gone from 20 percent to 11.4 percent, almost cut in half. As I understand, we are making even further progress there.

Ground beef went from 7.5 percent to 4.4 percent, again almost a 50-percent reduction. Ground chicken, where we had some baseline studies, we went from 44.6 percent incidents in ground chicken of salmonella to 16.2 percent.

Are our people safer today? You bet they are safer. By a long shot, they are safer in eating meat, meat products, poultry and poultry products. So it is working.

So what is this amendment all about that I just offered? What happened was there was a plant in Texas called Supreme Beef. Basically, Supreme Beef had been warned three times by the De-

partment of Agriculture that they had too high a level of pathogen, salmonella, on their ground beef. This was a ground beef plant. They warned them one time.

Did they shut the plant down? No, they did not shut the plant down. They said: You have too much salmonella in your ground beef. We found it. Do something about it. Work with us.

Sometime later, I think about a year later, if I am not mistaken, USDA inspected the plant again, took some samples, and found out there was still a high level of salmonella in the ground beef. The USDA said to Supreme Beef, you have to clean up your act. You have to find out where these are coming from and stop it.

Again, some time went by. USDA went back, inspected them the third time and found that same high level of salmonella in their ground beef. This time they told them to shut down.

During the entire time USDA was working with Supreme Beef to get them to clean up their act, we continued to buy ground beef from that same plant for the school lunch program, even though it had high levels of salmonella, putting our kids in school at risk. Yet the Department of Agriculture worked with Supreme Beef to get them to find out where was the salmonella coming from and to stop it—three times. Yet Supreme Beef just thumbed their nose at the USDA.

Then what happened? After USDA shut them down, lawyers for Supreme Beef went to court. They went to court arguing the Secretary of Agriculture did not have the authority to shut down Supreme Beef based upon these salmonella standards. The case was argued in Federal District Court in Texas. Supreme Beef lawyers went to court challenging the authority of the Secretary to take that action. It was argued at length.

On May 25 of 2000, 1½ years ago, the Federal District Court for the Northern District of Texas held the United States Department of Agriculture does not have the statutory authority to enforce its salmonella pathogen reduction standard for ground beef.

That case is now on appeal to the appeals court. We do not know when a decision is going to be made.

Quite frankly, the Texas case is a frontal assault on microbiological standards, the very thing the people of our country are highly concerned about right now. The decision undermines the only objective standard we have right now to ensure that meat and poultry plants are reducing the level of pathogens on its products. It threatens the very core of the pathogen reduction rule itself.

Let me be very clear. I think the district court got it wrong. I believe the existing meat and poultry inspection acts do give USDA that authority to issue and enforce pathogen reduction standards. I think it is intolerable to have the very core of this rule trampled by a handful of industry lawyers

bent on ensuring there are no enforceable pathogen standards—none. That is what they want. That is why I have offered this amendment.

This amendment has broad support among public health groups, consumer groups, farmers, labor unions, senior citizens, even the meat and poultry industry itself. The American Farm Bureau Federation supports this amendment, AARP, the American Food Safety Institute, American Public Health Association, the Consumer Federation of America, the National Farmers Union, the National Parent Teachers Association, the Ranchers-Cattlemen Action Legal Fund, the Iowa Meat Processors Association from my own State, the Iowa Pork Producers Association, and the Iowa Farm Bureau Federation, the Consumers Union.

I ask unanimous consent the list of all these groups that support my amendment and the letters from these groups in support of my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SUPPORTERS OF THE HARKIN AMENDMENT

##### AARP.

American Farm Bureau Federation.  
American Food Safety Institute.  
American Public Health Association.  
Center for Science in the Public Interest.  
Consumer Federation of America.  
Consumer Union.  
Government Accountability Project.  
National Consumers League.  
National Farmers Union.  
National Parent Teachers Association.  
Ranchers-Cattlemen Action Legal Fund  
United Stock Growers of America.  
Iowa Meat Processors Association.  
Iowa Pork Producers Association.  
Iowa Farm Bureau Federation.  
Safe Tables Our Priority.  
United Food and Commercial Workers Union.

##### NATIONAL PTA,

Chicago, IL, September 26, 2001.

SENATE APPROPRIATIONS COMMITTEE,  
Agriculture Subcommittee,  
Washington, DC.

DEAR SENATOR: I am writing to urge your support for the amendment to the agriculture appropriations bill that will be introduced by Senator HARKIN to clarify USDA's legal authority to enforce standards for reducing pathogens in meat and poultry products.

As president of the National PTA, I represent over 6.4 million parents, teachers, students, and other advocates committed to the health and safety of our nation's children. National PTA supports legislation to sustain, improve, and expand federal child nutrition programs, including school meals and antihunger efforts. Such advocacy efforts fall short, however, if the meals fed our children are tainted by foodborne pathogens, to which children are even more susceptible than are adults.

The HACCP/Pathogen Reduction rule adopted by the USDA in 1996 included standards to reduce these pathogens. Last year, however, a federal court barred USDA from enforcing these standards. Senator HARKIN's amendment is needed to clarify that USDA does indeed have the authority under the Federal Meat and Poultry Inspection Acts to enforce pathogen reduction standards in meat and poultry products.

To improve the safety of our children's meals, I urge you to support Senator HARKIN's amendment.

Sincerely,

SHIRLEY IGO,  
President.

AARP,  
Washington, DC, October 3, 2001.

Hon. TOM HARKIN,  
Hart Senate Office Building, U.S. Senate,  
Washington, DC.

DEAR SENATOR HARKIN: On behalf of AARP, I am writing in support of your amendment to the Agriculture Appropriations Bill that would help ensure a safer meat supply. Food safety is of particular concern to older Americans who, along with young children and those with immune deficiencies, are at particular risk from foodborne illness.

The amendment is long overdue. We are pleased that it would clarify the authority of the U.S. Department of Agriculture (USDA) to set standards to control pathogens in meat. Unfortunately, this authority has come into question as a result of a court case in Texas, in which a meat company successfully sued the Department to prevent it from enforcing its performance standard for Salmonella, a standard that the company had failed to satisfy on three separate occasions.

We agree that it is imperative to reaffirm USDA's authority to adopt and enforce performance standards; otherwise, the effectiveness of the comprehensive Hazard Analysis Critical Control Points (HACCP)-based meat inspection system will be seriously jeopardized.

We strongly support your amendment.

Sincerely,

WILLIAM D. NOVELLI,  
Executive Director and CEO.

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, DC, October 16, 2001.

Ms. CAROL TUCKER FOREMAN,  
The Food Policy Institute, Consumer Federation of America, Washington, DC.

DEAR CAROL: Thank you for your October 15, 2001, letter to Secretary Veneman about performance standards.

The Department of Agriculture (USDA) believes that we must have performance standards for pathogens. We recognize that some groups have questioned what the appropriate pathogen performance standards should be and whether the present performance standards are scientifically based. We believe that the results of two studies now underway by the National Academy of Sciences and the National Advisory Committee on Microbiological Criteria for Foods will provide important scientific information. In the meantime, USDA remains committed to enforcing the current performance standards at every meat and poultry establishment in the country to which they apply.

Certain groups also have raised questions about the application of the pathogen reduction performance standards. USDA supports the retention of the Secretary's discretion in determining the appropriate application of the standards.

Because of pending litigation filed in 2000, the Department's policy is to refrain from commenting on any matter that relates directly to the Supreme Beef Processors, Inc., case. For this reason, we cannot comment on legislative amendments sponsored by Senator Harkin or by the industry.

We appreciate hearing from you. I'm looking forward to working with you and our other stakeholders to ensure a safe food supply for all Americans.

Warm regards,

ELSA A. MURANO,  
Under Secretary, Food Safety.

CFA,

Washington, DC, October 5, 2001.

Hon. DANIEL K. AKAKA,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR AKAKA: Consumer Federation of America urges you to vote FOR the Harkin amendment to H.R. 2330, the agriculture appropriations bill for fiscal year 2002. The amendment specifically states that the Secretary of Agriculture has authority to impose and enforce limits on disease-causing organisms in meat and poultry products. This element of the USDA's new inspection system has been challenged in court. Opponents charge that laws passed in 1906 and 1967 did not contemplate a science-based inspection system and assumed inspection would include only visible examination by federal inspectors.

But federal inspectors cannot see the pathogenic bacteria that cause food-borne illness. This is one reason that food poisoning has become a serious public health problem in the United States. The Centers for Disease Control reports that each year contaminated food causes 76 million illnesses, 325,000 hospitalizations and 5,000 deaths. Contaminated meat and poultry products are often implicated in food poisoning cases.

To help reduce the terrible toll of food-borne illness, USDA introduced a new science-based inspection program, the Pathogen Reduction and Hazard Analysis Critical Control Point (PR/HACCP) inspection system. The new program sets limits on the levels of Salmonella that can be present in raw meat and poultry products.

Since USDA began setting and enforcing Salmonella standards, the amount of Salmonella in meat and poultry products has dropped substantially. For some products, it has dropped by half. While USDA inspectors remain in the plants, the performance standards are the only objective measure of whether a plant's HACCP program actually produces food that is cleaner, safer and less likely to cause food-borne illness than the old inspection system.

If the pathogen standards are eliminated, each company will be free to decide how much pathogen contamination is acceptable. A meat or poultry company could produce filthy products with thousands of Salmonella bacteria. Those products would be stamped, "USDA Inspected and Approved" and sold to unsuspecting consumers.

Consumer Federation of America has strongly supported Pathogen Reduction/HACCP. It is an important step forward in meat and poultry inspection. But our support has always been conditioned on USDA setting and enforcing pathogen controls. If this objective measure of adequate performance is dropped, we will withdraw our support and inform our members that the USDA inspection seal is largely meaningless.

The pathogen reduction requirements do not unnecessarily burden industry. Frankly, the performance standards are not as stringent as they should be. Plants have only a .8 percent chance of failing three times in a row. Hundreds of plants have been tested. Only four have failed the test three times. Further, USDA makes every effort to help plants comply. If a plant fails once, USDA works with management to adjust the company's processes so they can meet the standard. The plant is tested again and it still fails, USDA continues to work with them. Then they are tested yet again. This process may go on for almost a year. During all that time the company's products continue to be approved and sold.

In this system, everyone benefits. Companies know what the standard is. Companies that fail get help from USDA so they can pass subsequent tests. Consumers benefit

from the reduction in disease causing organisms. The Harkin amendment will assure that the pathogen controls remain in effect.

With threats of terrorist attacks on our food supply possible, it would be shocking if Congress failed to protect these standards. It would surely increase the risk of food-borne disease and further diminish public confidence in our food supply.

We urge your support for the Harkin amendment.

Sincerely,

HOWARD METZENBAUM,  
*Chairman.*

CAROL TUCKER FOREMAN,  
*Director, Food Policy Institute.*

SAFE FOOD COALITION,

*Washington, DC, July 24, 2001.*

DEAR SENATOR: The undersigned members of the Safe Food Coalition urge you to support an amendment by Senator Harkin to H.R. 2330, the Agriculture Appropriations Bill for FY 2002. The amendment clarifies USDA's authority to set standards to control the presence of pathogens in meat and poultry products. It is needed for the following reasons:

USDA's Rule Limiting The Presence Of Disease Causing Bacteria In Meat And Poultry Is Threatened. A meat company in Texas has sued USDA to prevent the Department from enforcing its Salmonella performance standard. The Texas company, a major supplier of meat to the school lunch program, failed the Salmonella standard three times. USDA sought to close the plant. A federal district court allowed the company to continue selling meat, despite the company's apparent inability to meet this basic food safety test.

The decision is under review by the U.S. Court of Appeals for the 5th Circuit. If that court rules against the USDA, the department will be unable to enforce limits on Salmonella in ground beef in any of the states comprising the 5th Circuit. Further, the meat industry continues to pressure USDA to drop Salmonella testing all across the country.

The Salmonella standard is reasonable and it is effective. Since it went into effect over three years ago, Salmonella contamination has dropped in all tested products—dropped by 50 percent in some. USDA applies this test in thousands of slaughter and grinding facilities. Fewer than a half-dozen plants have failed the test three times. There are two reasons for the high pass rate. First, the performance standard is not hard to meet. In practice it falls below the industry median for each product. To pass, a plant need not even be as good as the least effective plant in the top half of all plants. In 2000, 91 percent of the ground beef plants tested by USDA under the rule met the standard on each round of tests and 92 percent of the 344 small ground beef plants tested met the standard on each round.

Second, USDA helps plants meet the standard. If a plant fails once, USDA staff works with the plant to help it resolve the problem. If it fails a second time, the USDA again seeks to help the plant correct the deficiencies in its HACCP plan. It is only when a plant, after getting help from USDA and being given multiple opportunities to pass, fails a third time to meet the Salmonella standard, that it becomes subject to sanctions. In the case of Supreme Beef, almost a year passed between the time Supreme failed the first test and the point at which USDA finally tried to close the plant. Consumers might well ask why USDA allows any plant that fails to meet the Salmonella contamination limit to continue operating for such extended periods.

Limits on Salmonella in meat and poultry are basic to the USDA's new inspection sys-

tem, officially named the Pathogen Reduction and HACCP System. In 1996, USDA began to shift from its old inspection program to a new one, the so-called HACCP system. Under the new system, plants are responsible for producing clean, safe products. The Salmonella standard, Salmonella testing, and enforcement of the standard are the means by which the government works to assure that a plant's HACCP program does what it promises, providing an acceptable level of public health protection. Consumer and public health organizations initially opposed the HACCP program. We gave our support only after HACCP was coupled with pathogen reduction to help protect public health. The Salmonella performance standard, Salmonella testing, and enforcement are basic to our continued support for the program. Salmonella test results are our objective proof that a HACCP plan works to limit the presence of these disease causing organisms.

Meat and poultry are the only products that come to the consumer with a Government warranty. Enclosed with this letter are copies of the USDA seal of inspection. Every package of meat and poultry sold to consumers is stamped, "Inspected and Approved, USDA" or "Inspected for Wholesomeness, USDA."

No other product, not cars, nor tires, nor airplanes—not even other food carries an assurance that the U.S. government has examined it and attests that it meets a standard for wholesomeness. Americans have a right to assume that products carrying the USDA seal will be reasonably safe and clean, not loaded with disease causing organisms. It is not unreasonable to ask the companies whose products carry a U.S. government seal of approval to demonstrate that those products are clean and safe and relatively free of disease causing organisms.

Food-borne illness is a serious public health problem in the U.S. According to the Centers for Disease Control contaminated food cause 76 million illnesses, 325,000 hospitalization and 5,000 deaths each year. Government standards must limit the organisms that cause these illnesses. The Harkin amendment will ensure that whatever decision is reached by the Court of Appeals, beef shipped within the US will continue to meet strict safety standards for Salmonella.

Please do not turn the clock back on food safety. Do not break faith with consumers who assume that the USDA seal of inspection has some integrity. Do not allow companies who fail to limit pathogens in their products to continue to sell their meat and poultry as "USDA Inspected and Approved." Maintaining the pathogen standard will help preserve public health. It will also protect legitimate businesses from those companies that are unable or unwilling to meet a decent standard.

Again, we ask you to support the Harkin amendment.

CAROL TUCKER FOREMAN,  
*Coordinator, SFC, Director, Food Policy Institute, Consumer Federation of America, Assistant Secretary, USDA, 1977–81, on Behalf of the following organizations:*

American Public Health Association.  
Consumers Union (Consumers Union is not a member of the Safe Food Coalition but endorses this position statement).  
Center for Science in the Public Interest.  
Government Accountability Project.  
Consumer Federation of America.  
National Consumers League.  
Safe Tables—Our Priority (S.T.O.P.)

MR. HARKIN. It is a broad coalition, from farm groups to labor unions to consumer groups to parent teachers. It covers the entire spectrum of the food safety chain from farm to table.

Now, some may be surprised there is meat and poultry industry support for my amendment. Do not be surprised. My staff and I have spent hours and hours in meetings trying to arrive at a compromise with industry opponents of these microbiological performance standards.

My door has been open to all. There is no one who can say I would not meet with them to discuss how we reach some agreement. The reason we have this support from many meat and poultry groups is because the pathogen reduction standard is simply the right thing to do for food safety.

MR. DURBIN. Will the Senator yield?

MR. HARKIN. I am delighted to yield to my friend from Illinois who has led the charge for a single food agency in this country. He is on the right course. I hope he gets it done soon.

MR. DURBIN. I am happy to be an ally on this cause, as well. I recollect a few months ago there was a release on the Web site of the USDA suggesting they were going to relax, if not remove, the salmonella standard for school lunch programs. Many people saw it and started to respond.

If I am not mistaken, the very next morning, Ari Fleischer at the White House, in the opening briefing said: This is not true; it is not where the USDA stands; we are for the strictest standard when it comes to the presence of salmonella in ground beef for school lunch programs.

What the Senator from Iowa is arguing for, if I am not mistaken, is the position of the USDA, and the position President Bush has taken, is that they will establish the standards—the district court case in Texas notwithstanding.

The Senator from Iowa, a Democratic Senator, is offering a reaffirmation of the position taken by both Democratic and Republican Departments of Agriculture. Does the Senator from Iowa recall this?

MR. HARKIN. I appreciate my friend from Illinois bringing that up. I have it later in my speech someplace. You beat me to the gun.

It is true, there was this indication that someone in the Department, probably at the behest of the industry lawyers, maybe the same one who brought the Supreme Beef case, I don't know, decided they would relax the salmonella standards on the very meat our kids eat in school.

As the Senator said, the hue and cry was incredible. The administration came to its senses and said the next morning: It said absolutely not. The administration said it will enforce those standards and it wanted the toughest standards. All we are doing is giving the Secretary of Agriculture the statutory authority to do just that.

MR. DURBIN. So those who oppose this amendment not only oppose a standard created by the Clinton administration and the U.S. Department of Agriculture, but a standard that has been reaffirmed by the Bush administration in its current Department of Agriculture.

Mr. HARKIN. I believe that is entirely true.

As I said, the reason we have such broad support is because the pathogen reduction standards is the right thing to do for food safety. The vast majority of our packers and our processors in this country are conscientious and want to do the right thing. They work with the Department of Agriculture. As my chart shows, they have been energetically reducing the number of pathogens that enter our foods. But, as anything else, there are always some out there who believe they can shave a little bit, skim a little bit, make an extra buck here or there. And after all, they can cite the Supreme Beef case in Texas, and say: You don't have the authority to enforce this standard.

Those who have refused to compromise at all have resorted to a campaign against this amendment based on untruths and misstatements. I want to set the record straight on some of these most egregious examples.

First, industry opponents have said that the current administration does not support having enforceable pathogen standards. As my friend from Illinois pointed out, just read what Ari Fleischer said at that press conference that morning, they want the toughest standards.

I ask unanimous consent to have printed in the RECORD a letter from Under Secretary for Food Safety, Dr. Murano.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, DC, October 16, 2001.

Ms. CAROL TUCKER FOREMAN,  
The Food Policy Institute, Consumer Federation  
of America, Washington, DC.

DEAR CAROL: Thank you for your October 15, 2001, letter to Secretary Veneman about performance standards.

The Department of Agriculture (USDA) believes that we must have performance standards for pathogens. We recognize that some groups have questioned what the appropriate pathogen performance standards should be and whether the present performance standards are scientifically based. We believe that the results of two studies now underway by the National Academy of Sciences and the National Advisory Committee on Microbiological Criteria for Foods will provide important scientific information. In the meantime, USDA remains committed to enforcing the current performance standards at every meat and poultry establishment in the country to which they apply.

Certain groups also have raised questions about the application of the pathogen reduction performance standards. USDA supports the retention of the Secretary's discretion in determining the appropriate application of the standards.

Because of pending litigation filed in 2000, the Department's policy is to refrain from commenting on any matter that relates directly to the Supreme Beef Processors, Inc., case. For this reason, we cannot comment on legislative amendments sponsored by Senator Harkin or by the industry.

We appreciate hearing from you. I'm looking forward to working with you and our

other stakeholders to ensure a safe food supply for all Americans.

Warm regards,

ELSA A. MURANO,  
Under Secretary, Food Safety.

Mr. HARKIN. The Department of Agriculture believes we must have performance standards with pathogens.

Second, the industry opponents have said my amendment will codify the salmonella performance standard. This is patently untrue. We only clarify that the Secretary has a generic authority. We do not set any standard. I leave that to the scientists.

Industry opponents claim my amendment would limit the Secretary's discretion to determine when a plant has failed to meet the performance standard. This is demonstrably untrue. We worked with Secretary Veneman to ensure my amendment preserves the Secretary's existing flexibility to work with plants in danger of failing the standard. We both want to avoid withdrawing inspections where plants are genuinely working to come into compliance with the standard and there is no immediate threat to public health. Obviously, if there is an immediate threat to public health, like E. coli, or something like that which will kill you, obviously, the Secretary should have the authority to shut that plant down.

There are a number of other arguments they have made which are patently untrue, but I will not get into them here. In deciding whether to support my amendment, my colleagues should consider the following question: How do you explain to America's families why a plant shipping ground beef with salmonella levels more than five times the national average, ground beef that is going into the School Lunch Program, how do you explain to our families that plant shouldn't even be asked to clean up its act? These are the facts of the case in Texas. The plant had the worst record on pathogen levels in the country and one of its biggest customers was the School Lunch Program. It failed three rounds of salmonella testing. No one said, we are shutting you down. They asked them to submit a plan for corrective action. The owner refused. I think when the health of our kids is at stake and our families are at stake, this is common sense.

Last, in trying to reach an agreement with those who are opposed to this amendment, I added a section. I will be very clear so people understand this added section. I will read it:

Not later than May 31, 2002, the Secretary shall initiate public rulemaking to ensure the scientific basis for any such pathogen reduction standard.

Now, the first part of my amendment basically says that between now and then the Secretary has the statutory authority to enforce the existing pathogen reduction standards based upon the salmonella bacteria indicator.

That is all it says. So those who are opposed to my amendment are saying

they want to leave a gap that between now and some indefinite time in the future the Secretary will not have that authority, will not have that authority to enforce a pathogen reduction standard.

People ought to take a look around and see what is happening in this country. The people of this country are demanding we reduce the pathogens in our food and in our food supply. We have been doing it under the existing standard, but because of one district court case in Texas that said we did not give the Secretary the statutory authority, that is now in question.

All my amendment does is give the Secretary the statutory authority to enforce the standards. We don't set the standards. And then it says further, by May 31 of next year the Secretary has to initiate public rulemaking to ensure that a pathogen reduction standard is based on good science.

How can anyone argue with that?

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Nebraska.

AMENDMENT NO. 1987 TO AMENDMENT NO. 1984

Mr. NELSON of Nebraska. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself and Mr. MILLER, proposes an amendment numbered 1987 to amendment No. 1984.

Mr. NELSON of Nebraska. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "sec" and insert the following:

None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture shall be available for application of the mark of inspection to any meat or poultry product that is shown to be adulterated: *Provided further*, That the Secretary of Agriculture shall prepare a report, which is to be submitted by May 15, 2002, to the Committee on Appropriations of the Senate and the House of Representatives, regarding the role of microbiological monitoring and standards relating to indicator organisms and pathogens in determining the effectiveness and adequacy of Food Safety and Inspection Service Hazard Analysis and Critical Control Point (HACCP) meat and poultry safety programs, including relevant points of general scientific agreement regarding such monitoring, and analysis of the microbiological data accumulated by the Secretary to identify opportunities to further enhance food safety, as well as any modification of regulations or statutory enforcement authority that may advance food safety; *Provided further*, That not later than August 1, 2002, the Secretary shall initiate public rulemaking to improve the effectiveness and adequacy of the Hazard Analysis and Critical Control Point (HACCP) System established under part 417 of title 9, Code of Federal Regulations.

Mr. NELSON of Nebraska. Mr. President, I rise in support of this second-

degree amendment and believe it requires some degree of explanation as to how it may differ from the amendment which has been offered.

It has been characterized that this is an issue about food safety. But truly the difference between his amendment and mine is not about food safety, it is about whether or not we are going to enforce a flawed standard before we have studies completed that this body mandated last year. That is what this issue is all about, not whether or not we are going to have food safety.

My amendment doesn't move to table Senator HARKIN's amendment, but it seeks to improve it. I believe in fact it does.

We worked very diligently to find a way to have a solution. But the solution would have required authorizing and empowering the U.S. Department of Agriculture, by statute, by his amendment, to enforce a standard about which a court in Texas, a Federal district court in Texas, has said, among other things:

The performance standard may not be enforced because it doesn't measure food safety.

I am for food safety. But I am not for a standard that doesn't measure food safety. Nor am I in favor of empowering specifically eliminating any question about the authority of an agency to enforce a standard that does not measure food safety.

I am most definitely interested in making certain that we have food safety. That is why I worked very closely with my colleague to work out some language which he has included in his amendment. I commend him for doing that because that language says that, by May 31 of next year, the U.S. Department of Agriculture must initiate rulemaking and a standard based on these studies which are expected to be completed by that time.

I think it would be unwise for this body to now empower the U.S. Department of Agriculture to enforce standards that do not measure food safety after, last year, authorizing and requiring studies that will, in fact, establish a standard that will be aimed at measuring food safety and empowering the agency, the U.S. Department of Agriculture, to be able to use those standards in order to impose an appropriate salmonella standard for all food. That is what the question is really all about: Do we enforce and authorize and require the enforcement of a standard that doesn't rise to that level versus authorizing the agency and requiring the agency to, by a certain time—a timeframe certain—to have the rulemaking in place in order to impose an appropriate standard based on sound science.

That is what this issue is about: Whether or not we are going to have a standard based on sound science or one that the court says doesn't measure food safety.

There are some other things the amendment does that I think are im-

portant. It specifies that food that is unsafe or labeled inaccurately or is otherwise adulterated cannot bear the U.S. Department of Agriculture mark of inspection.

It further goes on to make sure that the agency, the Secretary of Agriculture, comes forward with the report that specifies the general points of scientific agreement regarding microbiological testing and standards.

This will require a standard that we can be sure is based on sound science. Until these reports are done, we can't be sure the current standard is strict enough. It is not a question of whether it is too lax. We don't know.

I am unlikely to support the requirement of that standard until, in fact, we have the studies done to know if it is strict enough. The suggestion might be that it is not strict enough. But I suggest we do not know and we will not know until and unless these studies that were authorized by this body last year have been completed and a rule adopted by the U.S. Department of Agriculture.

I yield to my colleague from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I think it is so important for us to make sure we understand what we are talking about tonight and what some of our colleagues have expressed. We do not oppose a standard which was mentioned earlier by the Senator from Illinois. What we do want is a good standard.

This body requested studies this time last year as we debated this whole issue. Since then, through hearings, everyone has agreed—even USDA agreed, as they testified to that as they effect—that the standard, the current standard, is flawed. Basically what we have been trying to say is that enforcing a flawed standard is, in effect, codifying a bad standard. We do not want to do that.

This issue was debated last year. We worked with Senator HARKIN then at the time, saying the issue was not whether there should be enforceable microbial testing standard for meat and poultry plants, the question was what standard should be used and what should be the scientific basis for that standard.

We directed those studies, both from the National Research Council and the USDA Scientific Advisory Committee, to make recommendations regarding microbial testing in plants. These committees were directed to review the appropriateness of the existing salmonella performance standard and to recommend a microbial testing program that will measure food safety performance in meat and poultry plants. We want a good standard. We want a standard based on science, which is exactly what the Senator from Nebraska is asking.

Some would claim that food safety would be compromised while we await

USDA's recommendation. That is simply not the case. USDA is still conducting salmonella performance tests at every meat and poultry plant in the Nation. USDA still has a wide variety of enforcement tools available, including withdrawal of inspection if meat or poultry plants produce adulterated products or operate in unsanitary conditions.

Food safety must continue to be a top national priority. I don't think that is the argument here. We want to see the best standards. But our food standards must be practical, they must be enforceable, and they must be based on scientific evidence, which is exactly what we asked for last year.

What we want to see happen is that we use these studies, we use this scientific evidence, that we have worked so hard to get, as it comes out this spring and put it into practice across this country.

We don't want to base it on sound bytes or newspaper headlines. I think Senator NELSON's amendment will allow us to achieve that goal. That is why I urge our colleagues to vote for and support his amendment so we can base good standards on scientific findings.

I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, there is a fundamental difference here. Quite frankly, the standard in place now is, in fact, based upon the best science that was available during the time when they promulgated that standard. As I pointed out in my amendment on May 31, the Secretary has to start rulemaking based upon the best science available. I agree with that.

Let us not be mistaken. This amendment says if you want to have uncertainty out there as to whether or not the Secretary can enforce a patent and pathogen reduction standard, this is the amendment for you because that is what we have. We have uncertainty right now because of the Supreme Beef case in Texas.

This amendment by my good friend from Nebraska basically says that is what we are going to have. We are going to have this vast uncertainty out there.

I don't want my kids and I don't want your kids and grandkids, or the people of this country having that cloud of uncertainty.

That is why I believe this amendment should be defeated—because it leaves the uncertainty there. It would allow for plants such as Supreme Beef to continue to snub their noses at the Secretary of Agriculture and at reducing the pathogen standard.

That is why I move to table the second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. REID. Could the Chair check that again?



Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Their now appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Texas (Mrs. HUTCHISON), the Senator from Montana (Mr. BURNS), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 50, as follows:

[Rollcall Vote No. 314 Leg.]

#### YEAS—45

Akaka	Durbin	Leahy
Baucus	Edwards	Levin
Bingaman	Feingold	Lieberman
Boxer	Feinstein	Mikulski
Byrd	Fitzgerald	Murray
Cantwell	Graham	Nelson (FL)
Carnahan	Grassley	Reed
Chafee	Harkin	Reid
Clinton	Hollings	Rockefeller
Conrad	Inouye	Sarbanes
Corzine	Jeffords	Schumer
Daschle	Johnson	Specter
Dayton	Kennedy	Torricelli
Dodd	Kerry	Wellstone
Dorgan	Kohl	Wyden

#### NAYS—50

Allard	Enzi	Murkowski
Allen	Frist	Nelson (NE)
Bayh	Gramm	Nickles
Bennett	Gregg	Roberts
Biden	Hagel	Santorum
Bond	Hatch	Sessions
Breaux	Helms	Shelby
Brownback	Hutchinson	Smith (NH)
Campbell	Inhofe	Smith (OR)
Carper	Kyl	Snowe
Cleland	Landrieu	Stabenow
Cochran	Lincoln	Thomas
Collins	Lott	Thompson
Craig	Lugar	Thurmond
Crapo	McCain	Voinovich
DeWine	McConnell	Warner
Ensign	Miller	

#### NOT VOTING—5

Bunning	Domenici	Stevens
Burns	Hutchison	

The motion was rejected.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I ask unanimous consent to withdraw my amendment.

AMENDMENT NO. 1984, WITHDRAWN

Mr. COCHRAN. Reserving the right to object, what was the request? The Senator asked unanimous consent for something, but I could not understand it.

Mr. HARKIN. I asked unanimous consent to withdraw the amendment.

Mr. COCHRAN. Reserving the right to object, he asked unanimous consent to withdraw his amendment. The amendment has been amended by the amendment offered by the Senator from Nebraska. I hope the Senator from Nebraska will suggest what his intentions are.

I don't want to object if the Senator from Nebraska is not going to object.

The PRESIDING OFFICER. The amendment has not yet been agreed to.

Mr. COCHRAN. I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, as I understand it, we are simply waiting now for a managers' amendment that should be available shortly. As soon as it is available, we will deal with that. As I understand it, that is the last amendment remaining. We will then go to final passage.

For the information of all Senators, assuming we are able to go to final passage tonight, there will be no session tomorrow. We will be in pro forma session on Monday. It would be my expectation, in consultation with Senator LOTT, to go to the Labor-HHS appropriations bill Tuesday morning.

I yield the floor.

#### AGRICULTURAL RESEARCH SERVICE

Mr. THURMOND. Mr. President, I appreciate the chairman and ranking member working with me to find funding for a crucial Agricultural Research Service (ARS) Station project. This project will further the research and commercial adaptation of swine waste management. It will be an offset facility located in North Carolina, but is associated with the Florence, SC, ARS Station. In order to fund the start-up costs and equipment rental associated with this project, the full cost to ARS is estimated to be \$1 million. The nature of this project is urgent. I hope ARS will fund this program with available fiscal year 2002 funds.

Mr. HELMS. I am grateful to my friend from South Carolina, Senator THURMOND, for his determination to pursue this project which will be located in North Carolina. I believe ARS should make this project a priority. I appreciate the managers of the bill acknowledging its importance.

Mr. KOHL. I appreciate the Senator from South Carolina bringing this important issue to my attention. I am confident we can work together to encourage ARS to fund this project in fiscal year 2002.

Mr. COCHRAN. I understand why this project is important to my colleagues. I will work with them to find a way to help ARS move forward in funding this project.

#### NATIONAL RURAL DEVELOPMENT PARTNERSHIP

Mr. CRAIG. Mr. President, first I would like to thank Chairman KOHL and Senator COCHRAN for the hard work they have put into the fiscal year 2001 Agriculture, Rural Development, and Related Agencies Appropriations bill. It is a challenging process, and they have done an excellent job balancing competing interests within the confines of a balanced budget.

I wish to engage in a colloquy with the distinguished chairman of the subcommittee regarding the appropriation

for the Department of Agriculture's Rural Development Programs. The committee has encouraged the Department to continue to support the National Rural Development Partnership (NRDP) and its associated State Rural Development Councils within existing funds. It is my understanding that an allocation of \$5.5 million would provide Federal funding to 40 State Rural Development Councils (SRDCs) at the level they received in fiscal year 2001 and that it would cover other necessary program support for the NRDP/SRDCs. I would ask that this need be considered when this bill goes to conference.

The National Rural Development Partnership is a nonpartisan inter-agency working group whose mission is to contribute to the vitality of the Nation by strengthening the ability of rural Americans to fully participate in determining their futures. Although the Partnership has existed for 10 years, it has never been formally authorized by Congress.

Thirty seven members of the Senate have joined on legislation to formally establish the NRDP and SRDCs, S. 1111, the National Rural Development Partnership Act. This legislation authorizes or formally recognizes the existence and operations of the Partnership, the National Rural Development Council, and SRDCs. In addition, the legislation gives specific responsibilities to each component of the partnership and authorizes it to receive Congressional appropriations.

It is essential that the current network of SRDCs remain viable while we work to pass this legislation. The core components of S. 1111 have been included in the House version of the farm bill and we are working to have S. 1111 included in the Senate version of the farm bill. In addition, a task force, which includes significant representation external to the NRDP, is currently considering questions related to the mission, structure, and operations of the NRDP and SRDCs. Fiscal year 2002 is a transitional year during which fundamental issues related to the NRDP and SRDCs will be addressed. During fiscal year 2002, unique role of helping to coordinate rural development policies and programs must be preserved.

Mr. KOHL. I thank the Senator from Idaho for his remarks, and I look forward to working with him to resolve this issue in conference. It is my understanding that contributions provided to the NRDP from other Federal agencies could be used to diminish the amount of funding that would come from USDA. The NRDP and SRDCs provide rural citizens and agencies, non-profit organizations, and corporations that serve rural areas with a forum for analyzing challenges and developing holistic and cost-effect solutions. There has never been a greater need for the type of work done by the partnership and SRDCs.

#### EXOTIC DISEASES

Mr. HOLLINGS. Mr. President, I rise today to thank Chairman KOHL and

Ranking Member COCHRAN for recognizing the increasing threat posed by emerging and exotic diseases to animals and crops throughout the United States and providing the Agricultural Research Service an increase of \$6,782,000 for fiscal year 2002. I also want to confirm that the Committee intends for at least \$500,000 of these funds to be used to meet the higher operating costs presented by the new state-of-the-art ARS U.S. Vegetable Lab in Charleston, South Carolina.

Mr. KOHL. The Senator from South Carolina is correct. I understand there has been significant progress on its construction and the new facility is scheduled to open in February 2002. I agree that the necessary funds must be provided for its operations.

Mr. HOLLINGS. Such progress would not have been possible without the support I have received over the years from both sides of the aisle on this project. The new laboratory will play an important role in the ARS mission of conducting research to solve regional and national problems in the production and protection of vegetable crops. This research is critical to the continued production of crops in a sustainable agricultural economy.

Mr. COCHRAN. Certainly the research conducted by the lab is a key component in ensuring that an affordable, safe and dependable supply of nutritious vegetable crops is available to U.S. consumers. I, too, want to assure the Senator from South Carolina that it is my understanding these funds will be used to meet the higher operating costs of the Charleston Vegetable Lab.

Mr. HOLLINGS. I thank the distinguished chairman and ranking member of the subcommittee for their attention to this matter and, again, appreciate the assistance they have provided on this project over the years.

#### SUDDEN OAK DEATH SYNDROME

Mrs. BOXER. Mr. President, I would like to address an emerging ecological crisis in California that quite literally threatens to change the face of my State, and perhaps others.

California's beloved oak trees are in grave peril. Thousands of black oak, coastal live oak, tan, and Shreve's oak trees—among the most familiar and best loved features of California's landscape—are dying from a newly discovered disease known as Sudden Oak Death Syndrome.

The loss of trees is fast approaching epidemic proportions, with tens of thousands of dead trees appearing across the Californian landscape. As the trees die, enormous expanses of forest face substantially increased fire risk because the dead trees are highly flammable. These dead trees are also more likely to blow over in high winds, posing a growing risk to people and property.

Unfortunately, this terrible disease has also been found in at least 10 other plant species, including rhododendron in commercial nurseries. Other commercially important plants such as

blueberries and cranberries are also believed vulnerable.

Most disturbing is the fact that Sudden Oak Death Syndrome is spreading rapidly. It was recently discovered in Oregon. Fear that it will spread further has already provoked Canada and South Korea to ban the importation of California oak products. Scientists believe it may only be a matter of time before this disease reaches oaks and other species in the Midwest, Northeast, and around the country.

It is vital that we invest now in efforts to stop the spread of this disease before it becomes uncontrollable. Although the Senate bill does not include funding to address this issue, the House has provided \$500,000 for these purposes. Last year, the Agriculture Committee provided over \$2 million in funding to address this disease. Am I correct in understanding that the chairman will assist in conference to ensure that the final bill includes funding to address Sudden Oak Death Syndrome?

Mr. KOHL. Yes. I recognize that Sudden Oak Death Syndrome is a growing problem that threatens oak trees and other species in my State and around the Nation. I assure my colleague that I will do my best in conference to push for an increase in funding to \$1,000,000 when the agriculture bill is considered in conference.

#### NATIONAL ORGANIC STANDARDS

Mr. STEVENS. Mr. President, I am very concerned over the National Organic Standards Board's recent recommendation to USDA that wild seafood not be eligible for organic labeling. This decision ignored the plain evidence on the record that most wild seafood, and wild Alaska salmon in particular, are the most organic, natural fish available on the market today.

Mr. COCHRAN. I appreciate the Senate bringing this to our attention. We will look into it.

Mr. KOHL. I also appreciate being advised of this matter.

#### SOUTH PLAINS RANGE RESEARCH STATION

Mr. NICKLES. I am pleased that the Appropriations Committee has provided \$1.5 million for the Southern Plains Range Research Station in Woodward, OK. However, it has come to my attention that there is an urgent need for a conference center at the facility to house agricultural conferences and agricultural training programs as well as community activities. Because this center is to be available to the community, the city of Woodward has committed to provide \$3,000,000 for the construction of the conference center. The study for this facility is estimated to cost \$400,000 to determine if this facility would be a good use of Federal tax dollars. I hope the agency will complete this study within available funds.

Mr. COCHRAN. I thank my colleague from Oklahoma for bringing this important project to the committee's attention and also hope the agency can find a way to do the feasibility study on this project.

#### AGRICULTURAL RESEARCH SERVICE

Mr. DORGAN. Mr. President, I rise to thank the chairman and the ranking member for supporting my request to expand research on cereal crops and sunflowers at the Agricultural Research Service Northern Crops Research Laboratory at Fargo, ND. This bill recommends an increase of \$900,000 for expanded research on small grains and sunflowers.

The economic viability of small grains industries remains a concern as a result of production and marketing problems faced by producers in recent years. The barley industry has been particularly hard hit due to weather related problems. We have seen production of this crop decline by 40 percent during the past ten years due to weather related problems. In North Dakota, the decline in production has been even more dramatic with production falling off by 53 percent during the same time period.

I think we need to use a portion of the increased funding over the last year's level to develop new barley varieties that are high yielding and have good feed quality attributes. No such program currently exists and I think increased research in this area would help the barley industry gain a competitive edge.

Mr. KOHL. I understand the need for increased research in this area and I will do my best to hold the increases for cereal crops research contained in the Senate bill.

#### ANIMAL WASTE RESEARCH

Mr. HELMS. Mr. President, I am grateful to the distinguished chairman of the Senate Agriculture Appropriations Committee, Mr. KOHL, and the ranking member, Mr. COCHRAN, for their willingness to acknowledge the exciting animal waste research taking place in North Carolina.

Senator EDWARDS and I are deeply impressed with the initiative being shown by the poultry and swine industry, which is actively seeking solutions to the problems associated with animal waste material. We have been particularly interested in proposals that will convert a variety of animal waste products into a usable energy resource.

Several innovative North Carolina constituents are moving forward with the development of this technology, and I want to make sure that the Federal Government is both aware of and supportive of these efforts. I appreciate the willingness of the managers of the bill to show an interest in this work, and I will be grateful for their continued attention to this research.

I look forward to working with Senator EDWARDS, my fellow members of the Senate Agriculture Committee, and the appropriators to make sure that the U.S. Department of Agriculture has the authorization and resources needed to support innovative use of animal waste.

Mr. EDWARDS. Mr. President, Senator HELMS and I are excited about the alternative uses of animal waste products, and I appreciate the attention



this issue is receiving from the Agriculture Appropriations Subcommittee. There has been a great deal of attention paid to the problems associated with animal waste, but very little has been said about the work taking place in the private sector and our research educational institutions to try and deal with this problem.

I agree that there is reason to be optimistic that technological advances will yield innovative solutions that will benefit poultry and swine producers, the environment, and ultimately, energy consumers. We will look forward to continuing to support additional research into alternative animal waste uses, and I appreciate the interest of the managers.

Mr. KOHL. I appreciate the Senators from North Carolina letting us know of the interesting work taking place in North Carolina in regard to animal waste research. We will continue to work with Senator HELMS and Senator EDWARDS to explore the potential of alternative energy sources.

Mr. COCHRAN. I also look forward to working with the Senators from North Carolina as this technology develops.

#### RURAL FACILITIES PROGRAM

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the distinguished chairman and ranking member of the Agriculture Appropriations Subcommittee.

The Village of DeTour in the Upper Peninsula of Michigan is living with an unfortunate safety hazard. Currently, the Village of DeTour is using a World War II era fire engine to fight fires within its jurisdiction. This antiquated fire engine is so old that safety personnel can no longer drive it to emergency situations. Instead, firefighters must tow the fire engine to any dangerous area. This represents a tremendous safety hazard for the hard working people of this unique Upper Peninsula town.

The Rural Facilities Program at USDA provides funding for rural communities like DeTour to improve their public facilities, including providing money for new fire equipment.

Therefore, I would ask the distinguished chairman if he would agree to include the Village of DeTour in the statement of managers accompanying the conference report to this appropriations bill, and list the purchase of a new fire truck as a high priority project that deserves funding in fiscal year 2002?

Mr. KOHL. I will do everything I can to include the Village of DeTour in the statement of managers as a high priority project worthy of funding in fiscal year 2002.

Mr. COCHRAN. I associate myself with the remarks of the distinguished subcommittee chairman.

Ms. STABENOW. I thank the chairman and ranking member for their strong support. This community needs only \$80,000 next year to purchase this new vehicle. Since the village has already raised the required matching

funds necessary, once it receives this \$80,000 it will be able to move forward immediately on the project. Will the chairman and ranking member continue their strong support for this project until the Village receives this necessary funding?

Mr. KOHL. I reiterate my strong support for this project and will work in conference and will work with the USDA to make sure this community receives this \$80,000 in fiscal year 2002.

Mr. COCHRAN. I associate myself with the remarks of the distinguished subcommittee chairman.

#### AUDUBON SUGAR INSTITUTE

Ms. LANDRIEU. Mr. President, I rise to express my support for a project close to the heart of the Louisiana State University AgCenter as well as many of my constituents—the Audubon Sugar Institute. I want take this opportunity to bring to the attention of the chairman of the Senate Agriculture Appropriations Subcommittee the importance of relocating the Audubon Sugar Institute from LSU main campus to St. Gabriel Sugar Research Station as well as the need to encourage USDA Rural Development to give priority consideration to this very worthwhile project.

Sugarcane is the largest economic crop in Louisiana with a gross farm income in 2000 of just under \$363 million. Sugar and sugarcane research and extension education at the LSU AgCenter are conducted at the St. Gabriel Sugar Research Station, approximately 7 miles south of the LSU main campus and the Audubon Sugar Institute in the heart of the main campus. The Audubon Sugar Institute has a long history and a proud tradition of educating some of the finest sugar technologies and sugar engineers in the country. In the past, it drew many people to Louisiana, and earmarked the LSU AgCenter as a center for excellence in the sugar industry. However, the need to improve and upgrade the Audubon Sugar Institute is critical to furthering the Louisiana Sugar Industry.

The first step in accomplishing the goals mentioned above is to move the Audubon Sugar Institute from the heart of the main LSU campus to the St. Gabriel Sugar Research Station. The LSU AgCenter is requesting assistance from the USDA Office of Rural Development.

The equipment and laboratories at Audubon Sugar Institute are in dire need of upgrading and the building itself is in serious arrears and does not conform to safety regulations. It appears that it is no longer an option to run the factory continuously because of the environmental implications of running a sugar factory in the middle of a busy university campus. Relocating the Institute has the advantage of meeting the main campus at the same time providing the option of upgrading the Audubon Sugar Institute archaic design and providing a modern facility capable of handling billeted cane. It also places Audubon adjacent

to the variety development and production research going on at the St. Gabriel Sugar Station. Building a new facility and moving the sugar mill to St. Gabriel would allow the Institute to function as a training ground and undertake manageable plant scale experiments. Having a fully functional small mill operation at Audubon Sugar Institute would provide a facility unsurpassed in the world and immensely assist the sugarcane industry in Louisiana.

I thank the chairman and his staff for their consideration and reiterate that it is my hope that the USDA Rural Development can be encouraged to give priority consideration to this very worthwhile project.

Mr. KOHL. I appreciate the comments of the Senator from Louisiana and will make every effort to accommodate her request during the conference of this bill.

#### IDAHO OUST PROBLEM

Mr. CRAIG. Mr. President, first I would like to thank Chairman KOHL and Senator COCHRAN for the hard work they have put into the fiscal year 2002 Agriculture and Related Agencies Appropriations bill. It is a challenging process, and they have done an excellent job balancing competing interests within the confines of a balanced budget.

I wish to engage in a colloquy with the distinguished chairman and ranking member of the subcommittee regarding a situation that has arisen in Idaho. The Idaho delegation is concerned over the growing impact a product called OUST has had on crops in fields near the Bureau of Land Management's rangeland treatment areas.

The BLM has been using OUST as part of their rehabilitation program to eliminate cheatgrass and stop the fire cycle. The program is two-fold. First spray, then plant native and perineal vegetation which is better feed for cattle and fire suppression. From October 23 to November 3, 2000, in order to control the spread of cheatgrass on their burned land, the Bureau of Land Management sprayed the herbicide, OUST, from a helicopter onto approximately 17,000 acres of their land.

This spring, we began to receive reports from farmers that OUST may have spread beyond its intended use area and may be impacting crops in fields adjacent to or near the BLM's treated areas. Sugar beet growers noticed strange growth developments in their crops. As the crop developed, it was determined the lack of growth could be related to the OUST spray. What our farmers project happened is the OUST, which is activated and broken down by water, was sprayed on top of the ashes from the fire. With the lack of snowfall and spring rains, the OUST was blown with the ashes to as far as 10 miles from the sprayed ground. When the farmers turned on their irrigation systems this spring, it activated the OUST and it is now damaging the crops. The most significant

damage reported is in the Burley/Paul area and the American Falls/Aberdeen area in Southern Idaho. Because of all of the uncertainty, BLM has agreed to stop the use of OUST until this issue is resolved.

Since the damage was first noticed, testing by the Department of Agriculture in Idaho has indicated the presence of OUST in crops at least 5 miles beyond the BLM's treated areas. Those tests are ongoing and results continue to show the presence of OUST in damaged crops. According to the information we have seen, in some cases the damage to crops in these areas approaches a 100 percent loss. In other cases, crops are only partially impacted, but may still be damaged in terms of their value. In either case, farmers are facing over \$100 million in reduced income. The whole extent of the problem will not be known until later because some crop types will not show damage until further in the season. Unfortunately, the projected losses these producers may incur as a result of OUST are only compounded by the ongoing drought, high energy costs, and low crop prices.

Mr. CRAPO. I join Senator CRAIG in acknowledging Chairman KOHL's and Senator COCHRAN's hard work on this bill and in expressing my deep concerns for the farmers of southern Idaho.

Senator CRAIG has provided a good background on the issue and the problem. I will only add that while the final impact of the OUST contamination is unknown, we do know many Idaho producers will be affected. With the difficulties agriculture is already facing, high input costs, low product prices, and a shortage of water, the losses due to this contamination could be devastating.

Credible scientific data is being established to measure the extent of the damage. I look forward to working with the administration and my colleagues to address the needs of southern Idaho farmers.

Mr. KOHL. I commend the Senators for their interest in this program. I want to assure the gentlemen that it is the committee's belief that the Secretary of Interior should continue to work closely with the U.S. Department of Agriculture, the Idaho Department of Agriculture, Idaho's agriculture producers, and the Idaho delegation to facilitate the timely flow of information and a coordinated response to this problem.

Mr. COCHRAN. I thank my colleagues from Idaho for bringing this issue to the subcommittee's attention. I look forward to working with them and the chairman on this issue.

CSREES

Mr. DASCHLE. I thank Chairman KOHL and Senator JOHNSON for helping me secure \$700,000 through CSREES in this bill for South Dakota State University to continue the planning and development of a bio-based energy and product initiative that will be of major significance to the nation's ability to

efficiently produce renewable fuels, as well as to the future viability of rural America and the agriculture community. Senator JOHNSON and I have been working with SDSU to develop a concept called the "Sun Grant Initiative," which would become a national network of land grant universities in partnership with USDA and DOE, dedicated not only to the development of cost-effective biobased energy and nonfood product production, but also to the disbursement of new technology, and integration in rural communities on a scale that fosters economic independence and growth. The \$700,000 dedicated for feedstock conversion in this bill will allow us to move forward with this important project.

Mr. JOHNSON. I also thank Chairman KOHL for his help with this project. Agriculture has much to contribute to the nation's energy security, and can make significant contributions to markets for nonfood producers as well. This biobased shift would reduce our reliance on petroleum-based products and provide significant economic opportunities for independent farm families and rural communities. These funds will help make this a reality, and I am hopeful that USDA will release the funds as quickly as possible after enactment of this legislation so the planning of this exciting initiative can continue in a timely manner.

Mr. KOHL. I thank the Senators and look forward to seeing this project develop.

#### POTATO STUDY

Mr. CRAIG. Mr. President, first I thank Chairman KOHL and Senator COCHRAN for the hard work they have put into the fiscal year 2001 Agriculture, Rural Development, and Related Agencies Appropriations bill. It is a challenging process, and they have done an excellent job balancing competing interests within the confines of a balanced budget.

I wish to engage in a colloquy with the distinguished chairman of the subcommittee regarding the appropriation for the Department of Agriculture's National Agricultural Statistics Service. The committee has provided a \$13.3 million increase in the budget for NASS. I would like to clarify with the chairman and ranking member that the increase provides \$125,000 to conduct a potato objective yield, size and grade survey.

NASS has developed a plan to conduct a potato size and grade survey for the seven major potato producing States. The intent of the survey is to provide all market participants with comprehensive potato size and grade data. These data are crucial information to both potato growers and buyers in estimating the current potato crop's quality. All involved market parties will use this unbiased information when negotiating sale or purchase contracts of processing potatoes. The National Potato Council, which represents all segments of the potato industry, has identified that these data

are imperative to the orderly marketing of the annual potato crop. These data also ensure that no one group uses their market position to distort the true picture of annual crop quality. The size and grade data will complement the annual production data already provided by NASS and supply the necessary information for the orderly marketing of the potato crop.

Mr. KOHL. The Senator has correctly stated the intent of the committee. The size and grade survey will be conducted in the seven major producing States in conjunction with the current potato objective yield survey. The seven states are Idaho, Wisconsin, Maine, Minnesota, North Dakota, Oregon, and Washington. These funds are needed to obtain statistically defensible potato size and grade data, and the sample size. This amount includes equipment, supplies, training, and personnel needs to conduct, analysis, and publish the survey data and add the additional objective yield samples required.

Mr. CRAIG. I thank the chairman for his support on this issue.

#### FDA FUNDING FOR NEW MEXICO STATE UNIVERSITY'S PHYSICAL SCIENCE LABORATORY

Mr. BINGAMAN. Mr. President, I would like to take this opportunity to thank the chairman of the Agriculture Appropriations Subcommittee, Senator KOHL, for all his fine work on this bill. I know his task has not been an easy one, and he and his staff are to be complimented for the very thoughtful and fair way they have worked to complete this legislation.

I also thank the chairman for including in the bill second-year funding for the Food and Drug Administration to continue its contract with New Mexico State University's Physical Science Laboratory to develop and evaluate rapid screening methods, instruments, and analyses that will facilitate FDA's regulation of imported food products. As I requested, the committee's bill continues funding for PSL's Agriculture Products Food Safety Laboratory at the fiscal year 2001 level of \$1.5 million.

I understand FDA and PSL have completed all the necessary agreements and work is already underway. Equipment has been ordered and lab staff is being hired. One of the first tasks will be an independent evaluation of biosensors for microbial contamination to ensure the equipment is accurate and dependable. If the reliability of the new biosensors can be verified they could replace the much slower testing protocols FDA currently uses.

Does the chairman agree that PSL's Agriculture Products Food Safety Laboratory is supporting FDA's efforts to develop quick and safe food inspection systems that can detect filth, microbial contamination, and pesticides on fresh fruits and vegetables and the FDA should continue this work at PSL is fiscal year 2001?

Mr. KOHL. Yes, I agree that PSL is helping support FDA's food safety program, and I was pleased to include second-year funding for PSL from the total sum appropriated to FDA for food safety and other initiatives.

Mr. BINGAMAN. I also call Chairman KOHL's attention to the potential to broaden PSL's efforts, within the existing funding and framework, to include evaluations of technologies and methods for testing agricultural products for microbial contamination as well as contamination from pesticides, chemical and biological agents, evidence of tampering, or possible acts of bioterrorism. In addition to fruits and vegetables, the expanded scope of testing technologies might include other food products as well as illicit or counterfeit products and pharmaceuticals that could present hazards to public health and safety.

I understand FDA is responsible for wide variety of product safety initiatives, including bioterrorism, counterfeit pharmaceuticals, and so forth. I do believe the availability of a testing and verification laboratory, such as PSL's Agriculture Products Food Safety Laboratory, could be of great value in FDA's continuing effort to combat illicit products and health hazards.

Is the chairman aware of these additional capabilities at PSL that could be used by FDA to evaluate a wider variety of testing technologies and does he agree that it would be appropriate for FDA to consider this broader scope of effort at PSL within the funding level already provided in the bill?

Mr. KOHL. I thank the Senator from New Mexico for bringing these additional capabilities at PSL to my attention. I agree that the Commissioner should consider broadening the scope of the effort beyond microbial analyses of imported fruits and vegetables to include other products and contaminants under FDA's purview.

Mr. BINGAMAN, Mr. President, I thank Chairman KOHL for his support of continued funding for PSL's Agriculture Products Food Safety Laboratory and for considering broadening the scope of the laboratory. The House bill does not include second-year funding for the food safety laboratory at New Mexico State, and I look forward to working with the chairman to ensure the Senate's funding level is included in the conference report.

#### TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH

Mr. INOUE. Will the chairman of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Subcommittee yield?

Mr. KOHL. I yield to the senior Senator from Hawaii.

Mr. INOUE. I thank the chairman for yielding. As the chairman knows, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Subcommittee has a long history of support for tropical and subtropical agri-

cultural research due to the limited transferability of agricultural research from the temperate zones of the United States. This reasoning has been most evident in congressional support for the establishment of the Pacific Basin Agricultural Research Center.

The Pacific Basin Agricultural Research Center is a welcome addition to the tropical and subtropical agricultural research community in Hawaii and the American Pacific. The increased scientific and technical capacity offered by this center is a significant and vital complement to other institutions in the region. The center's mission of contributing to the region's scientific knowledge base on tropical and subtropical organisms strengthens the foundation for a competitive, diversified agricultural industry in the region.

In addition to construction funds for this center, the success of the center is also contingent upon its ability to recruit and deploy scientists and technicians at a rate consistent with completion of construction, and its ability to work in concert with the agricultural research and technology transfer infrastructure at the University of Hawaii at Hilo and the University of Hawaii at Manoa. For these purposes, \$900,000 is needed. Of this total, \$600,000 has been provided and I recommend that the additional \$300,000 be derived from an internal reallocation of funds provided to the University of Hawaii for two other USDA-ARS projects, Non-toxic Control of Tephritid and Other Insects and Environmental Effects of Tephritid Fruit Fly Control and Eradication. This does not deny the importance of these two latter projects but rather the higher priority of providing operating support to assure the success of the center. With this internal shifting of resources, a total of \$900,000 would be available for the United States Pacific Basin Agricultural Research Center, of which \$300,000 would be available for the University of Hawaii at Hilo and \$300,000 for the University of Hawaii at Manoa for activities complementing the research of the center.

Mr. KOHL. I thank the Senator from Hawaii for his insight and recommendation. I fully concur with his recommendation, because other funds are internally available to ARS to minimize the impact of the recommended internal reallocation of funds.

Mr. COCHRAN. Mr. President, I also wish to support the recommendations from the Senator from Hawaii.

Mr. INOUE. I thank the chairman and my colleague from Mississippi for their support of my recommendation.

#### SUGAR BEETS

Mr. DAYTON. Mr. President, I rise to engage my neighbor and colleague from Wisconsin, the Chairman of the Subcommittee on Agriculture, Rural Development and Related Agencies, and join my colleague, the senior Senator from Minnesota, in a colloquy on an issue that is vitally important to sugar beet growers in our state.

Last fall, five hundred fifty producers in the Southern Minnesota Beet Sugar Cooperative of Renville, Minnesota, (SMBSC) experienced a freeze of sugar beets. Over the next three months, it became increasingly evident that a large share of the beets would have to be discarded. The result is a catastrophic loss of revenue that has forced these farmers into near bankruptcy.

Tragically, the private insurers of those losses have refused to cover them, and the USDA has refused to provide sufficient funds for relief. We are desperately trying to remedy these two travesties to forestall the cooperative's complete collapse.

Now we are appealing to you and your colleagues on the Agriculture Appropriations Subcommittee as our last possible remedy. We ask that you give these farmers your favorable consideration as you negotiate this bill in conference.

Mr. WELLSTONE. I agree with the statement of my colleague from Minnesota and would like to join him in underscoring the urgency of this funding for the sugar beet growers in Minnesota. As my colleague has recognized the five hundred fifty producer members of the Southern Minnesota Beet Sugar Cooperative in Renville, Minnesota experienced a freeze of sugar beets while still in the ground during the early stage of their annual harvest. The cooperative continued with their harvest, with the goal of extracting as much of the crop's value from the market, while knowing that federally subsidized crop insurance would likely cover losses that which were not harvested.

Unfortunately these growers are now having difficulty claiming due compensation under the Quality Loss Program authorized in last year's Agriculture Appropriations bill. While USDA has offered to settle disaster assistance claims, their offer falls dangerously short, jeopardizing hundreds of family farmers and the local economy. The growers have presented USDA with information to justify a disaster payment of \$31 million, but USDA has rejected this argument.

It is now clear that additional assistance from Congress is needed to secure the continued operation of hundreds of family farms in and around Renville, Minnesota. I ask the Chairman, Senator KOHL, if he agrees that additional assistance is necessary, in this Agriculture Appropriations Bill, to ensure the continued viability of the Southern Minnesota Beet Sugar Cooperative and its five hundred fifty member growers?

Mr. KOHL. Mr. President, I thank my colleagues, Senator DAYTON and Senator WELLSTONE. Both of you are strong advocates for farmers, and in particular the sugar beet growers in Minnesota. I am committed to secure a level of assistance that can ensure the survival of the Southern Minnesota Beet Sugar Coop, for another year.

## GRAND FORKS AGRICULTURAL RESEARCH SERVICE

Mr. DORGAN. Mr. President, I rise to support the expansion efforts of the Grand Forks Human Nutrition Research Center in Grand Forks, ND. This facility, which is part of the U.S. Department of Agriculture's Agricultural Research Service (ARS), has been a national and international leader in mineral nutrition research for more than 30 years. In 1995, legislative authority was granted to the center to purchase four city lots to expand its operation. Since then, three lots have been acquired and are being used by the facility. The ARS was not able to purchase the fourth lot at the same time because the owner of an adjacent lot was not prepared to sell.

Recently, the owner of the fourth lot decided to sell his property. This is timely, because the Grand Forks Human Nutrition Center recently acquired a mobile research laboratory with funds this bill provided last year to conduct nutritional studies of underserved populations such as Native Americans and the rural elderly. This vehicle needs to be stored in a secure, climate-controlled garage. There is currently no storage facility in Grand Forks appropriate to store this mobile lab, but one could be erected on this adjacent property.

It would take no appropriation of additional funds for the Grand Forks Human Nutrition Center to purchase this lot. The facility merely needs a reprogramming of funds, and as a member of the Agriculture Appropriations Subcommittee, I support this request. It is my understanding that the ARS Area Director, as well as ARS headquarters, support allowing the Grand Forks Human Nutrition Center to spend its funds to purchase this lot. In conference, it is my hope that we can provide direction in the statement of managers allowing this reprogramming to move forward. I would like to solicit the support of the leaders of the subcommittee for this purpose.

Mr. KOHL. I understand the reasons why the Grand Forks Human Nutrition Center wants to purchase this land, and I will work to satisfy the request from the Senator from North Dakota to include a statement of managers in the conference report to allow the reprogramming of funds for this purpose.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for S. 1191, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2002.

The Senate bill provides \$16.137 billion in discretionary budget authority, which will result in new outlays in 2002 of \$11.863 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total \$16.107 billion in 2002. The Senate bill is within its section 302(b) allocation for budget authority and outlays. In addition, the

committee once again has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators KOHL and COCHRAN, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process. The tragic events of September 11 demand that this bipartisan effort continue and that the Congress expeditiously complete work on the 13 regular appropriations bills for 2002.

I ask for unanimous consent that a table displaying the Budget Committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

## S. 1191, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISON—SENATE-REPORTED BILL

(In millions of dollars)

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority .....	16,137	43,112	59,249
Outlays .....	16,107	33,847	49,954
Senate 302(b) allocation: <sup>1</sup>			
Budget Authority .....	16,137	43,112	59,249
Outlays .....	16,107	33,847	49,954
House-passed:			
Budget Authority .....	15,668	43,112	58,780
Outlays .....	16,044	33,847	49,891
President's request:			
Budget Authority .....	15,399	43,112	58,511
Outlays .....	15,789	33,847	49,636
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation: <sup>1</sup>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
House-passed:			
Budget Authority .....	469	0	469
Outlays .....	63	0	63
President's request:			
Budget Authority .....	738	0	738
Outlays .....	318	0	318

<sup>1</sup> For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mrs. CLINTON. Mr. President, recent events have demonstrated that we must reexamine our ability to respond to terrorism—including biological and chemical attacks. One area we must safeguard against such an attack is our food supply, which is woefully under-protected. For instance FDA is so short of inspectors that it currently inspects less than 1 percent of imports. That is why this spring, even before the recent attacks, the Senate passed an amendment that I offered to increase the fiscal year 2002 budget allocation to expand the number of food safety inspectors.

While the House stripped this provision out in conference, the need for such an increase has only become more urgent, not less. That is why I filed this amendment, to add \$100 million for food safety inspection.

FDA presently has only about 700 to 800 inspectors to oversee food imports and investigate the 57,000 sites within its jurisdiction across the country. They are so understaffed that they currently are only able to inspect com-

mercial food sites about once every decade on average.

An increase of \$100 million for food inspection activities at FDA, factored into the baseline over 5 years, would allow FDA to increase import inspections from less than 1 percent to roughly 20 percent.

I understand that this needed increase in FDA inspection resources is being resolved in other contexts, in the bioterrorism package that is being worked out, or even in the debate about resources available in the stimulus package.

On that understanding, I withdraw my amendment today seeking to add \$100 million to FDA's food inspection authorities, and look forward to confirming food safety inspection resources in those other contexts.

Terrorists aim to strike terror among civilians, in their homes, in their everyday lives, and that is why we must protect the security of our dinner tables and our families through increased inspection and greater vigilance.

And since this is the Agriculture appropriations bill, I just want to once again remind my colleagues that agriculture is the number one industry in New York—and we plan to keep it that way.

Our farmers—like so many others around the country—are some of the most dedicated, most decent, most hard-working people in this country. Our farmers are an integral part of our heritage. And they are out there every day, working to put fresh, healthy, and safe food on our tables.

Our farmers are also some of the finest stewards of our natural resources. They help to preserve open space, and they work to properly manage and protect our land and our water.

And our farmers are some of our most innovative, resourceful small business people.

But our farmers need our help—at least I know they do in New York. As I travel around New York, I meet so many farmers who are struggling just to get by, just to make ends meet.

And that is why I want to thank Chairman KOHL, Senator LEVIN, Senator SNOWE, and my other colleagues for working to help provide much needed assistance for our apple growers. I was pleased to hear Chairman KOHL's words earlier today about working this out in conference.

And I hope that I can continue to work with my colleagues to increase assistance for specialty crops and for conservation programs like the Farmland Protection Program.

These conservation programs are important programs not just for our environment, but for our farmers—particularly for those farmers that are underserved by the more traditional payment programs. And these conservation programs are all over-subscribed, meaning there are more farmers that want to participate in these programs than there are resources available to accommodate.

And, of course, we want to assist our dairy farmers by reinstituting the dairy compact.

So, I want to again express my strong support for our Nation's farmers, and reiterate my commitment to ensuring that New York's farmers have the support they need and deserves.

Mr. DOMENICI. Mr. President, I rise in support of the pending Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations bill for fiscal year 2002.

I thank the distinguished Subcommittee Chairman, Senator KOHL, and my good friend and distinguished ranking member, Senator COCHRAN, for including \$750,000 in the bill to allow the National Center for Genome Resources in Santa Fe, NM, to proceed to establish a Bioinformatics Institute for Model Plant Species. This program was authorized through an amendment that I sponsored to the Agriculture Risk Protection Act, Public Law 106-224. The final language in Section 227 of that Act authorizes the Secretary of Agriculture, acting through the Agricultural Research Service, to enter into a cooperative agreement with the National Center for Genome Resources in Santa Fe, NM, and university partners to establish and operate the Bioinformatics Institute for Model Plant Species. An amount of \$3 million was specifically authorized to establish the Institute, and such sums as may be necessary is authorized for each subsequent fiscal year to carry out the cooperative agreement. The Center is pleased to work with both New Mexico State University and Iowa State University in this bioinformatics initiative.

I strongly urge the Senate conferees to retain this funding in conference with the House. The initial appropriation of \$750,000 in the Senate bill will allow the National Center for Genome Resources to build upon its existing programs to create and develop software tools to transfer information and conduct comparative analyses among model plant and crop species. The Center, in establishing the Institute, will develop a bioinformatics infrastructure to improve the accessibility and facilitate the transfer of information on structural and functional genome information from model plants to crop species. The Institute will work with university partners at New Mexico State University and Iowa State University to expand and link existing genomic and genome database research from the Agricultural Research Service allowing researchers to discover, characterize, and manipulate agronomically important genes of major crops, including soybeans, alfalfa, maize, and cotton. As a non-profit entity, the National Center for Genome Resources provides its research to the public domain to improve the productivity and nutritional value of agricultural crops grown in the United States.

I am pleased to work with the Appropriations Committee to advance a

project that holds the promise of improving agricultural crop quality, nutrition, and production.

Mr. BYRD. Mr. President, I congratulate Senator KOHL, chairman of the Agriculture Appropriations Subcommittee, and Senator COCHRAN, ranking member, for presenting to the Senate the fiscal year 2002 appropriations bill for Agriculture, Rural Development, the Food and Drug Administration, and Related Agencies.

This bill provides \$73.9 billion in new budget authority for both mandatory and discretionary programs under the subcommittee's jurisdiction and is within the 302(b) allocation. This is a good bill and deserves the support of all Senators.

This bill includes programs important to the farming community and to all Americans. This bill supports agriculture research and conservation programs that protect our soil, water, and air resources. This bill also supports rural communities through economic development programs and assistance for basic needs such as housing, electricity, safe drinking water and waste disposal systems.

This bill also provides funding for the Food and Drug Administration which helps protect the safety of our food supply and helps make lower cost medications available to Americans as quickly as possible. In addition, funding in this bill supports many nutrition and public health related programs. These include the Food Stamp, School Lunch, and other nutrition assistance programs such as the Women, Infants, and Children Program—WIC.

This bill provides \$2.794 billion for rural development programs. This is an increase of \$318 million from the fiscal year 2001 level. Of this amount, slightly more than \$1 billion is for the Rural Community Advancement Program, which includes the rural water and waste water loan and grants program, and is an increase of \$243 million from last year's level.

This bill also provides funding to support activities that promote animal welfare. At my request, the bill includes increased funding to deal with the problem of animal cruelty. The bill includes \$13,767,000 for animal welfare inspectors, an increase of \$1,627,000 above last year's level. This bill also includes \$8,101,000 for regulatory and enforcement activities in connection with animal welfare investigations, which is an increase of \$1,852,000 above last year's level. This increased funding builds on my \$3 million initiative that I included in the FY 2001 supplemental to improve the enforcement of the Animal Welfare Act and the enforcement of humane slaughter practices.

Together, these programs, and others in this bill, will work to help meet the expectation of the American people that animals, whether as an integral element of our nation's livestock industry, or in other aspects, will be treated properly and humanely.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, in anticipation of getting this bill done shortly, I want to thank the Senate for cooperating and moving this bill so quickly and efficiently. I especially want to thank Senator COCHRAN. His knowledge of this bill, and its many complicated issues, is unsurpassed. His evenhanded, bipartisan approach to legislating are the key reasons we have such a good product in the Senate Agriculture appropriations bill.

I also want to thank his fine and dedicated staff—Rebecca Davies, Martha Scott Poindexter, and Rachelle Schroder. All of our staff have had to operate in very difficult conditions these last few weeks, but you wouldn't know it from the fine quality of their work. Senators talk often about keeping the work of the Nation going here in the Senate, but it is these dedicated staff people who do the work that makes us look good—even if it means operating out of cardboard boxes and back basement rooms, without computers, telephones, or even windows.

I also want to thank the members of my staff who have worked on this bill: Ben Miller, my agriculture LA, who handles issue as diverse as satellites and sugar beets with the same skill and good humor. Paul Bock, my chief of staff, who is an essential part of anything that goes well in our office. Les Spivey, Jessica Arden, and Dan Daggert, who have labored all year to bring this bill to the floor.

And last, but certainly not least, Galen Fountain, the Agriculture Appropriations clerk. His knowledge and skill are exemplary, even legendary in the Senate. He has done everything in getting this bill together, from working out countless amendments to writing up my comprehensive opening statement. I firmly believe that, without him, we would have no Agriculture appropriations bill.

Mr. President, I again thank the Senate for its help in moving this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the only amendment in order prior to third reading be the managers' amendment. The managers' amendment will have to be cleared by both managers.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia, Mr. MILLER, is recognized.

Mr. MILLER. Mr. President, I'd like to add my voice to those in Congress who think that we should take action on a farm bill this year.

We need to act now for several reasons. First, the House took action on the farm bill in expeditious fashion and passed it faster than most folks expected. I know many Senators—including this one—were surprised and impressed by Chairman COMBEST's pace in completing his bill.

This quick action led many in the industry to believe that we would have a new farm bill this year that they could plan around. The result in Georgia has been industry reactions detrimental to growers. Georgia peanut shellers, in anticipation of a new program, have made market decisions which could result in record area pool losses, which by law the growers themselves have to cover. A new farm bill could avert this problem.

Our Nation's newly discovered economic woes have been on the farm for some time now. Rural America always feels these pressures much sooner and longer than other segments of society. Commodity prices have not improved, input costs are still sky high and morale among farmers is the lowest I have seen it in my career in public service. Fewer and fewer young people want to take over the family farm and continue this honorable way of life. We all want to stimulate the economy, I have a great place for us to start—on our farms. The stimulus coming from a new farm bill would not only be only felt in tractor, chemical and irrigation sales. It would filter into the local banks, car dealerships, restaurants and department stores. This is why I hope the Administration will get behind the effort to write a farm bill before we adjourn for the year.

Also, I want to act this year because of the budget ramifications. We fought hard during consideration of our current budget resolution to obtain nearly \$74 billion extra which is necessary to meet our long term obligations to American farmers. It would also prevent us from having to pass emergency relief bills, as has been the case over the last few years. I am concerned that this money may not be there for us next year. If OMB's reaction to the House bill is any indicator, we have every reason to be worried.

From all indications, we have only a few weeks left in this session and many pressing issues such as appropriations matters and the war on terrorism. But I want to send a clear message to my colleagues—put me in the camp that says let's act now on the farm bill.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1988 THROUGH 2016, EN BLOC

Mr. KOHL. I ask unanimous consent the managers' amendment be consid-

ered and agreed to, the motion to reconsider be laid upon the table, the bill be read the third time, and the Senate vote on passage of the bill, and, upon passage, the Senate insist on its amendment, requesting a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with no intervening action or debate.

Mr. BYRD. Madam President, reserving the right to object, has the amendment been sent to the desk?

The PRESIDING OFFICER. The amendment is at the desk.

Mr. BYRD. Has the amendment been read?

The PRESIDING OFFICER. It has not.

Mr. BYRD. Could the clerk state the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself and Mr. COCHRAN, proposes amendments numbered 1988 through 2016, en bloc.

The amendments are as follows:

#### AMENDMENT NO. 1988

On page 78, between lines 2 and 3, insert the following:

#### SEC. . SUGAR MARKETING ASSESSMENT.

Notwithstanding subsection (f) of section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272(f)), any assessment imposed under that subsection for marketings of raw cane sugar or beet sugar for the 2002 fiscal year shall not be required to be remitted to the Commodity Credit Corporation before September 2, 2002.

#### AMENDMENT NO. 1989

On page 78, after line 2, insert the following new section:

"SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide financial assistance from available funds from the Emergency Watershed Protection Program in Arkansas, in an amount not to exceed \$0.4 million for completion of the current construction phase of the Kuhn Bayou (Point Remove) Project."

#### AMENDMENT NO. 1990

(Purpose: To provide funding for rural development)

Strike section 740 and insert the following new section:

"SEC. 740. Notwithstanding any other provision of law, \$3,000,000 shall be made available from funds under the rural business and cooperative development programs of the Rural Community Advancement Program for a grant for an integrated ethanol plant, feedlot, and animal waste digestion unit, to the extent matching funds from the Department of Energy are provided if a commitment for such matching funds is made prior to July 1, 2002: Provided, That such funds shall be released to the project after the farmer-owned cooperative equity is in place, and a formally executed commitment from a qualified lender based upon receipt of necessary permits, contract, and other appropriate documentation has been secured by the project."

#### AMENDMENT NO. 1991

At the appropriate place in Title VIII, insert the following:

SEC. . (a) TEMPORARY USE OF EXISTING PAYMENTS TO STATES TABLE.—

Notwithstanding section 101(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), for the purpose of making the first fiscal year's payments under section 102 of such Act to eligible States and eligible counties, the full payment amount for each eligible State and eligible county shall be deemed to be equal to the full payment amount calculated for that eligible state or eligible county in the Forest Service document entitled "P.L. 106-393, Secure Rural Schools and Community Self-Determination Act", dated July 31, 2001.

(b) REVISION OF TABLE.—For the purpose of making payments under section 102 of such Act to eligible States and eligible counties of subsequent fiscal years, the Secretary of Agriculture shall provide for the revision of the table referred to in subsection (a) to accurately reflect the average of the three highest 25-percent payments and safety net payments made to eligible States for the fiscal years of the eligibility period, as required by section 101(a)(1) of such Act. If the revisions are not completed by the time payments under section 102 of such Act are due to be made for a subsequent fiscal year, the table referred to in subsection (a) shall again be used for the purpose of making the payments for that fiscal year. The Forest Service shall provide the Senate Energy and Natural Resources Committee and the House of Representatives Agriculture Committee with a report on the progress of the correction by March 1, 2002.

(c) ADDITIONAL OPT-OUT OPTION.—Notwithstanding section 102(b)(2) of P.L. 106-393, if the revision of the table referred to in subsection (a) results in a lower full payment amount to a country that has elected under section 102(a)(2) the full payment amount, then that country may revisit their election under section 102(b)(1).

(d) DEFINITIONS.—In this section, the terms "eligible State", "eligible county", "eligibility period", "25-period payment", and "safety net payments" have the meanings given such terms in sections 3 of such Act.

(e) TREATMENT OF CERTAIN MINERAL LEASING RECEIPTS.—An eligible county that elects under section 102(b) to receive its share of an eligible State's full payment amount shall continue to receive its share of any payments made to that State from a lease for mineral resources issued by the Secretary of Interior under the last paragraph under the heading "FOREST SERVICE" in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520)."

(f) Section 6(b) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(b)) is amended by inserting after the first sentence the following new sentence: "The preceding sentence shall also apply to any payment to a State derived from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520)."

#### AMENDMENT NO. 1992

(Purpose: To amend the definition of income in the Housing Act of 1949)

At the appropriate place, insert the following:

#### SEC. . ALASKA PERMANENT FUND.

Section 501(b) of the Housing Act of 1949 (42 U.S.C. 1471) is amended in paragraph (5)—

(1) by striking "(5)" and inserting "(5)(A)"; and

(2) by adding at the end the following:

"(B) For purposes of this title, for fiscal years 2002 and 2003 the term 'income does not include dividends received from the Alaska Permanent Fund by a person who was



under the age of 18 years when that person qualified for the dividend.”.

#### AMENDMENT NO. 1993

(Purpose: To support funding for 1890 land-grant institutions)

On page 13, line 18, strike beginning with “\$32,604,000” all down through and including “West Virginia” on line 20 and insert in lieu thereof “\$34,604,000, of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000”.

On page 13, line 24, strike “\$137,000,000” and insert “\$135,492,000”.

On page 17, line 13, strike beginning with “\$28,181,000” all down through and including “West Virginia” on line 15 and insert in lieu thereof “\$31,181,000, of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000”.

On page 17, line 22, strike “\$15,021,000” and insert “\$11,529,000”.

#### AMENDMENT NO. 1994

(Purpose: To provide funding for the National 4-H Program Centennial Initiative)

On page 16, line 11 strike “\$275,940,000” and insert in lieu thereof the following: “\$275,940,000, of which \$3,600,000 may be used to carry out Public Law 107-19”.

#### AMENDMENT NO. 1995

On page 40, line 19, insert the following: “: *Provided further*, That of the funds appropriated by this Act to the Rural Community Advancement Program for guaranteed business and industry loans, funds may be transferred to direct business and industry loans as deemed necessary by the Secretary and with prior approval of the Committee on Appropriations of both Houses of Congress.”

#### AMENDMENT NO. 1996

(Purpose: To increase reserves of the Food Stamps Program)

On page 52, line 17, strike “\$21,091,986,000” and insert in lieu thereof “\$22,991,986,000”.

On page 52, line 18, strike “\$100,000,000” and insert in lieu thereof “\$2,000,000,000”.

#### AMENDMENT NO. 1997

(Purpose: To strike a limitation relating to the Kyoto Protocol)

Strike section 727 and renumber subsequent sections as appropriate.

#### AMENDMENT NO. 1998

(Purpose: To make West Virginia State College at Institute, West Virginia, an 1890 Institution)

On page 78, after line 2, insert the following:

SEC. . Hereafter, any provision of any Act of Congress relating to colleges and universities eligible to receive funds under the Act of August 30, 1890, including Tuskegee University, shall apply to West Virginia State College at Institute, West Virginia: *Provided*, That the Secretary may waive the matching funds’ requirement under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) for fiscal year 2002 for West Virginia State College if the Secretary determines the State of West Virginia will be unlikely to satisfy the matching requirement.

#### AMENDMENT NO. 1999

(Purpose: To authorize a Natural Resources Conservation Service watershed project)

On page 78, line 3, insert the following:

SEC. . Notwithstanding any other provision of law, the Secretary, acting through

the Natural Resources Conservation Service, shall provide financial and technical assistance to the Tanana River bordering the Big Delta State Historical Park.

#### AMENDMENT NO. 2000

(Purpose: To restrict the importation of certain fish and fish products)

On page 78, after line 2, insert the following:

SEC. . None of the funds appropriated or otherwise made available by this Act to the Food and Drug Administration shall be used to allow admission of fish or fish products labeled wholly or in part as “catfish” unless the products are taxonomically from the family Ictaluridae.

#### AMENDMENT NO. 2001

At the appropriate place, insert:

SEC. . The Secretary of Agriculture is authorized to accept any unused funds transferred to the Alaska Railroad Corporation for avalanche control and retransfer up to \$499,000 of such funds as a direct lump sum payment to the City of Valdez to construct an avalanche control wall to protect a public school.

#### AMENDMENT NO. 2002

At the appropriate place in the bill, insert the following:

SEC. . Of funds previously appropriated to the Bureau of Land Management under the heading ‘Wildland Fire Management,’ up to \$5,000,000 is transferred to the Department of Agriculture, Farm Service Agency, for reimbursement for crop damage resulting from the Bureau’s use of herbicides in the State of Idaho. Provided, that nothing in this section shall be construed to constitute an admission of liability in any subsequent litigation with respect to the Bureau’s use of such herbicides.

#### AMENDMENT NO. 2003

(Purpose: To clarify that emerging vegetation in water may be enrolled in the pilot program for enrollment of wetland and buffer acreage in the conservation reserve)

At the appropriate place, insert the following:

#### SEC. . PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

(a) IN GENERAL.—Section 1231(h)(4)(B) of the Food Security Act of 1985 (16 U.S.C. 3831(h)(4)(B)) is amended by inserting “(which may include emerging vegetation in water)” after “vegetative cover”.

(b) CONFORMING AMENDMENT.—Section 1232(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(4)) is amended by inserting “(which may include emerging vegetation in water)” after “vegetative cover”.

#### AMENDMENT NO. 2004

(Purpose: To provide assistance for certain specialty crops)

At the appropriate place, insert the following:

#### SEC. . SPECIALTY CROPS.

(a) GRADING OF PRICE-SUPPORT TOBACCO.—

(1) IN GENERAL.—Not later than March 31, 2002, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall conduct a referendum among producers of each kind of tobacco that is eligible for price support under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) to determine whether the producers favor the mandatory grading of the tobacco by the Secretary.

(2) MANDATORY GRADING.—If the Secretary determines that mandatory grading of each kind of tobacco described in paragraph (1) is

avored by a majority of the producers voting in the referendum, effective for the 2002 and subsequent marketing years, the Secretary shall ensure that all kinds of the tobacco are graded at the time of sale.

(3) JUDICIAL REVIEW.—A determination by the Secretary under this subsection shall not be subject to judicial review.

(b) QUOTA REDUCTION FOR CONSERVATION RESERVE ACREAGE.—

(1) IN GENERAL.—Section 1236 of the Food Security Act of 1985 (16 U.S.C. 3836) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(C) in subsection (b) (as so redesignated), by striking “subsection (b)” and inserting “subsection (a)”;

(D) in subsection (c) (as so redesignated), by striking “subsection (c)” and inserting “subsection (b)”.

(2) CONFORMING AMENDMENT.—Section 1232(a)(5) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(5)) is amended by striking “section 1236(d)” and inserting “section 1236(c)”.

(3) APPLICATION.—The amendments made by this subsection shall apply beginning with the 2002 crop.

(c) HORSE BREEDER LOANS.—

(1) DEFINITION OF HORSE BREEDER.—In this subsection, the term “horse breeder” means a person that, as of the date of enactment of this Act, derives more than 70 percent of the income of the person from the business of breeding, boarding, raising, training, or selling horses, during the shorter of—

(A) the 5-year period ending on January 1, 2001; or

(B) the period the person has been engaged in such business.

(2) LOAN AUTHORIZATION.—The Secretary shall make loans to eligible horse breeders to assist the horse breeders for losses suffered as a result of mare reproductive loss syndrome.

(3) ELIGIBILITY.—A horse breeder shall be eligible for a loan under this subsection if the Secretary determines that, as a result of mare reproductive loss syndrome—

(A) during the period beginning January 1 and ending October 1 of any of calendar years 2000, 2001, or 2002—

(i) 30 percent or more of the mares owned by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal; or

(ii) 30 percent or more of the mares boarded on a farm owned, operated, or leased by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal;

(B) the horse breeder is unable to meet the financial obligations, or pay the ordinary and necessary expenses, of the horse breeder incurred in connection with breeding, boarding, raising, training, or selling horses; and

(C) the horse breeder is not able to obtain sufficient credit elsewhere, in accordance with subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(4) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of a loan made to a horse breeder under this subsection shall be determined by the Secretary on the basis of the amount of losses suffered by the horse breeder, and the financial needs of the horse breeder, as a result of mare reproductive loss syndrome.

(B) MAXIMUM AMOUNT.—The amount of a loan made to a horse breeder under this subsection shall not exceed the maximum amount of an emergency loan under section

324(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(a)).

(5) TERM.—

(A) IN GENERAL.—Subject to subparagraph (B), the term for repayment of a loan made to a horse breeder under this subsection shall be determined by the Secretary based on the ability of the horse breeder to repay the loan.

(B) MAXIMUM TERM.—The term of a loan made to a horse breeder under this subsection shall not exceed 20 years.

(6) INTEREST RATE.—The interest rate for a loan made to a horse breeder under this subsection shall be the interest rate for emergency loans prescribed under section 324(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(b)(1)).

(7) SECURITY.—A loan to a horse breeder under this subsection shall be made on the security required for emergency loans under section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)).

(8) APPLICATION.—To be eligible to obtain a loan under this subsection, a horse breeder shall submit an application for the loan to the Secretary not later than September 30, 2002.

(9) FUNDING.—The Secretary shall carry out this subsection using funds made available to make emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(10) TERMINATION.—The authority provided by this subsection to make a loan terminates effective September 30, 2003.

AMENDMENT NO. 2005

(Purpose: To improve crop insurance coverage for sweet potatoes during fiscal year 2002)

On page 78, between lines 2 and 3, insert the following:

**SEC. 7. SWEET POTATO CROP INSURANCE.**

During fiscal year 2002, subsection (a)(2) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) shall be applied as though the term “and potatoes” read as follows: “, potatoes, and sweet potatoes”.

AMENDMENT NO. 2006

(Purpose: To provide funds for repairs to the Beltsville Agricultural Research Center in the State of Maryland)

At the appropriate place in title VII, insert the following:

**SEC. 7. BELTSVILLE AGRICULTURAL RESEARCH CENTER, MARYLAND.**

Within 30 days of the date of enactment of this Act, the Secretary of Agriculture shall submit a reprogramming request to the House and Senate Appropriations Committees to address the \$21.7 million in tornado damages incurred at the Henry A. Wallace Beltsville Agricultural Research Center.

AMENDMENT NO. 2007

At the appropriate place in title VII, insert the following:

**SEC. . CITRUS CANCER ERADICATION.**

(a) IN GENERAL.—Section 810 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549A-52) is amended—

(1) in subsection (a) by striking “The” and inserting “Subject to subsection (e), the”;

(2) in subsection (e), by striking “2001” and inserting “2002”.

(b) EFFECTIVE DATE.—The amendments in subsection (a) shall take effect as if enacted on September 30, 2001.

AMENDMENT NO. 2008

At the appropriate place, insert:

SEC. . From the amount appropriated to the Animal and Plant Health Inspection Service, \$300,000 shall be provided to monitor and prevent Mare Reproductive Loss Syndrome in cooperation with the University of Kentucky.

AMENDMENT NO. 2009

Amend section 306(a)(20) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)) is amended by adding at the end the following new subparagraph:

“(D) RURAL BROADBAND.—The Secretary may make grants to regulatory commissions in states with communities without dial-up internet access to establish a competitively neutral grant program to telecommunications carriers that establish facilities and services which, in the commission’s determination, will result in the long-term availability to rural communities in such state of affordable broadband telecommunications services which can be used for the provision of high speed internet access.”.

AMENDMENT NO. 2010

On page 52, line 24 after the comma, strike “not to” and all through page 53, line 2 up to the colon and insert the following: “not to exceed \$3,000,000 shall be used to purchase bison meat for the FDIPIR from producer owned cooperative organizations”.

AMENDMENT NO. 2011

On page 10, line 24, strike “\$1,004,738,000” and insert “\$999,438,000”.

On page 32, line 21, strike “\$802,454,000” and insert “\$807,454,000”.

On page 33, line 20, after “(16 U.S.C. 590e-2)” insert “: *Provided further*, That \$5,000,000 shall be available to carry out a pilot program in cooperation with the Department of Interior Fish and Wildlife Service to determine migratory bird harvest, including population monitoring, harvest information, and field operations”.

AMENDMENT NO. 2012

(Purpose: To provide funding for the purchase of conservation easements in the State of Kentucky)

On page 78, line 3, insert the following:

“SEC. . Of the funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky, \$490,000, and of the funds made available for competitive research grants, \$230,000, shall be made available to purchase conservation easements or other interests in land to not exceed 235 acres in Adair, Green and Taylor counties, Kentucky in accordance with the Farmland Protection Program.”

On page 13, line 24, strike “\$137,000,000” and insert in lieu thereof, “\$136,770,000”.

AMENDMENT NO. 2013

(Purpose: To enhance FDA enforcement of the Dietary Supplement Health and Education Act of 1994)

Amend page 57, line 7, by increasing the sum by \$1 million; and

Amend page 57, line 18, by increasing the sum by \$1 million.

Amend page 60, line 22, by adding the following after the word “offices”: *Provided further*: \$1 million to the Center for Food Safety and Nutrition to enhance enforcement of requirements under the Dietary Supplement Health and Education Act of 1994 related to the accuracy of product labeling, and the truthfulness and substantiation of claims.

Amend page 30 line 4: reduce the figure by \$1 million.

AMENDMENT NO. 2014

(Purpose: To set aside funding for a generic drug public education campaign)

On page 59, line 25, after the semicolon, insert “and of which not less than \$500,000 shall be available for a generic drug public education campaign;”.

AMENDMENT NO. 2015

(Purpose: To provide a grant to Oklahoma State University to develop chemical and biological sensors, including food safety sensors)

On page 13, line 21, of which \$500,000 should be for a grant for Oklahoma State University and its industrial partners to develop chemical and biological sensors, including chemical food safety sensors based on microoptoelectronic devices and techniques (such as laser diode absorption and cavity-ring-down spectroscopy with active laser illumination);”.

On page 13, line 24, decrease the amount by \$500,000.

AMENDMENT NO. 2016

On page 13, line 24, decrease the amount by the amount by \$500,000.

On page 13, line 21, increase the amount by \$500,000 and insert “of which \$500,000 is for the Environmental Biotechnology initiative at the University of Rhode Island”.

AMENDMENT NO. 1999

Mr. COCHRAN. Mr. President, the catfish industry in the United States is being victimized by a fish product from Vietnam that is labeled as farm-raised catfish. Since 1997, the volume of Vietnamese frozen fish filets has increased from 500,000 pounds to over 7 million pounds per year.

U.S. Catfish farm production, which is located primarily in Mississippi, Arkansas, Alabama, and Louisiana, accounts for 50 percent of the total value of all U.S. aquaculture production. Catfish farmers in the Mississippi Delta region have spent \$50 million to establish a market for North American Catfish.

The Vietnamese fish industry is penetrating the United States fish market by labeling fish products to create the impression they are farm-raised catfish. The Vietnamese “Basa” fish that are being imported from Vietnam are grown in cages along the Mekong River Delta. Unlike other imported fish, Basa fish are imported as an intended substitute for U.S. farm-raised catfish, and in some instances, their product packaging imitates U.S. brands and logos. This false labeling of Vietnamese Basa fish is misleading American consumers at supermarkets and restaurants.

According to a taxonomy analysis from the National Warmwater Aquaculture Center, the Vietnamese Basa fish is not even of the same family or species as the North American Channel Catfish.

This amendment will prevent the Food and Drug Administration from allowing admission of fish or fish products not taxonomically in the same family as North American farm-raised catfish. U.S. catfish farmers have invested millions of dollars to develop a market for the North American catfish. This amendment will help ensure that fish products are properly identified so that consumers are not deceived by the improper labeling.

Mr. SARBANES. Mr. President, I rise today to support an amendment to the fiscal 2002 Agriculture Appropriations bill to address the emergency needs of the Henry A. Wallace Beltsville Agricultural Research Center (BARC) and ensure that the critical work done at this world-renowned facility can carry on without delay.

In the early evening of September 24, BARC, the United States Department of Agriculture's flagship research center, was severely impacted by a tornado which had just ripped through the University of Maryland College Park, killing two students and contributing to the death of a volunteer firefighter. While thankfully none of the 500 employees working on BARC's stricken western campus were injured, the facility itself sustained significant damage.

All 90 of BARC's greenhouses, housing innovative and important research were damaged, with 40,000 square feet of greenhouse space being totally destroyed and another 90,000 square feet receiving severe to moderate damage. Each of the 15 major buildings on BARC's West-campus suffered roof damage and many of these lost their windows, leading to rain damage in laboratories and offices. In addition, scientists lost over \$3 million in equipment and reagents. In fact, in one newly renovated building, hazardous chemical spills precluded security windows against the rain or the use of emergency generators to run freezers, exacerbating the loss of experimental materials. As a result, critical research projects were set back from six months to as much as three years.

On Monday, I toured the facility with BARC Director Dr. Phyllis Johnson to see the tornado's damage firsthand. Nearly a month after this disaster, the impact of the storm is still terribly evident.

My amendment directs the Secretary of Agriculture, within 30 days after the date of enactment of this Act, to submit a reprogramming request to address the \$21.7 million in damages at BARC. The majority of this funding, \$12,250,000, will be used for greenhouse replacement and repair. The remaining funds will contribute to a variety of infrastructure needs, including roof repair, electrical and mechanical systems repair, and replacement of critical lab equipment and reagents. This funding is essential to allowing the scientists and researchers at BARC to continue to carry on BARC's mission of conducting research to develop and transfer solutions to agricultural problems of high national priority, including ensuring high-quality, safe food, sustaining a competitive agricultural economy, and providing economic opportunities for rural citizens, communities, and society as a whole. In my view, it is critical that the staff at BARC have the tools and facilities to be able to continue this vital mission, one that benefits all Americans.

I urge my colleagues to join me in supporting this measure.

AMENDMENT NO. 2013

Mr. HARKIN. Mr. President, I rise to urge my colleagues' support for the amendment that Senator HATCH and I are offering today.

The Harkin-Hatch amendment provides \$1 million to Center for Food Services and Applied Nutrition at the Food and Drug Administration to enhance enforcement of requirements under the Dietary Supplement Health and Education Act related to the accuracy of product labeling and the truthfulness and substantiation of claims.

This is an area of extreme importance to American consumers, literally millions of whom regularly take dietary supplements to maintain their health.

I was extremely proud to author the Dietary Supplement Health and Education Act with Senator HATCH back in 1994. I think this law has helped consumers reap the tremendous benefits of safe dietary supplements that are doing to much so improve public health.

When we passed DSHEA unanimously, we noted that improving the health status of American citizens ranked at the top of the government's national priorities. Never was that statement more true.

Over the past decade, the importance of nutrition and the benefits of dietary supplements to health promotion and disease prevention have been documented increasingly in scientific studies.

And, we should not forget that healthy lifestyles, including proper nutrition, can mitigate the need for expensive medical procedures.

Almost daily, we are seeing exciting new reports about the health benefits that dietary supplements offer our citizens.

For example, a recent study showed that the specific combination of vitamins C, E, and beta-carotene, and the minerals zinc and copper, can slow age-related macular degeneration, an eye disease that afflicts some eight million Americans and is a leading cause of visual impairment, blindness, and loss of independence in those over age 65.

According to the Alliance for Aging Research, the U.S. currently spends more than \$26 billion annually in additional health care costs for people over age 65 who lose their ability to live independently. Obviously, slowing this loss of independence due to blindness for even one year not only dramatically improves quality of life for the aging population, but it can save the Federal government potentially billions of dollars.

Mr. HATCH. Will the Senator yield?

Mr. President, I rise in strong support of this amendment as well, and just wanted to follow up with a few comments on what Senator HARKIN has just said.

Seven years ago, my colleague from Iowa and I joined with then-Representative Bill Richardson to enact this law, the Dietary Supplement Health and

Education Act, that set up a rational, consumer-friendly framework for the regulation of dietary supplements. Our colleague from Nevada, Senator REID, joined us in this effort as the original cosponsor of our bill.

Since that time, dietary supplements are being integrated more and more into mainstream medicine, a fact of which I am proud.

By any measure, a majority of Americans regularly rely on dietary supplements to enhance and maintain their healthy lifestyles. A study by Prevention Magazine last year found that approximately 151 million consumers currently take dietary supplement products. A study this year found that the most common reason consumers use these vitamins, minerals, herbs and amino acids is for overall health and general well-being.

I am aware that an April, 2001, study from the Journal of Clinical Endocrinology and Metabolism demonstrated that vitamin D and calcium supplementation plays an important role in reducing systolic blood pressure and maintaining thyroid hormone levels.

In addition, a January, 2001 Lancet article showed that patients with knee osteo-arthritis who took glucosamine supplements reduced painful and often disabling symptoms.

Not only are dietary supplements an essential component of a healthy lifestyle, I believe, but they represent a vital industry in our country as well. In my home state of Utah, the dietary supplement industry has grown to an estimated \$2 billion in annual sales; and one estimate I have seen places the national level at \$12 billion.

I thank the Senator for allowing me to add those compelling facts.

We have become increasingly alarmed over reports that unsafe or mislabeled dietary supplement products are being marketed.

We have also been concerned about the increasing use of so-called "performance-enhancing products" by our youth. Many of these products are being marketed as dietary supplements, although it is not clear they fall within the legal definition of dietary supplement.

I think the Aging Committee, under the very capable leadership of Senators JOHN BREAUX and LARRY CRAIG, did us all a great service in pointing up some of the areas where we need improvement.

Mr. HARKIN. There is no question that there are some problems here, but I believe the majority of dietary supplements are upstanding products that are safe and accurately labeled. What we hope to convince our colleagues, though, is that problems in the marketplace are largely a failure of enforcement, and not of the law.

I want to make clear to our colleagues that the bill we passed unanimously in both houses—seven years ago—and I might add that the Senate passed it unanimously, not once, but twice contains all the tools the government needs to address these concerns, as we will outline.

But just don't take my word for it. The Commissioner of Food and Drugs in the Clinton Administration—Jane Henney, a physician who we all respect a great deal—has assured the Congress on more than one occasion that she believed the law provided her with adequate authority to act against unsafe or mislabeled products. Commissioner Henney assured me both publicly and privately that she was confident the law is sufficient to allow the FDA to act against any bad actors in the dietary supplement marketplace. It might be beneficial for us to review some of the authorities that the FDA has.

First, the law allows the Food and Drug Administration to deem any dietary supplement product adulterated if the label fails to list any of the ingredients contained within and the quantities of those ingredients. This provision is contained within section 403(s)(1) and (2) of the Federal Food, Drug and Cosmetic Act.

If a product is adulterated, it cannot be legally sold. So, a mislabeled dietary supplement product is, quite simply, illegal.

Mr. HATCH. Let me add one point. Many of us were disturbed over reports that Olympic athletes or prospective Olympic athletes became disqualified after they took "banned substances" which were alleged to have been dietary supplements that contained substances not listed on the bottle.

I have no way of verifying those reports. What I can say is this. The International Olympic Committee sets the rules for what products may be taken by athletes. This is not a matter of U.S. law. If the IOC wanted to ban orange juice, it is perfectly within its rights.

But, obviously, athletes—as with all consumers—should be able to rest assured that they know what they are ingesting.

I was dismayed to read last week that the I.O.C. warned athletes to avoid dietary supplements because of what it called "lax quality control and labeling." This is a situation that should not be occurring, and our amendment today will help rectify that situation.

The law is not inadequate in this area. It provides consumers with the assurance that they will know what they are buying. As the Senator from Iowa just said, amendments to U.S. law made by DSHEA make explicit that dietary supplement containers must be labeled accurately as to their contents.

The principal way that the FDA enforces this provision is through its Good Manufacturing Practice standards, or "GMPs," which FDA inspectors use to make certain that manufacturing plants adhere to rigid guidelines for safe and sanitary processing of foods, including dietary supplements.

Mr. HARKIN. Let me follow up on that. The second tool DSHEA provided to FDA is the authority to promulgate new GMPs specifically for dietary supplements. Those regulations have been

in development for the past several years, a source of great frustration to me and the Senator from Utah as well.

We have written, called, and implored the Office of Management and Budget and the Department of Health and Human Services to release these regulations, which we understand have been ready in near-final form for almost a year.

It is past time those regulations were issued.

Mr. HATCH. I want to add my strong concern about this as well. I don't know what else we can do to free up these regulations. They are an essential consumer protection of the law and they should be allowed to go into effect.

Another concern we have heard is that there are products on the market that are making false or misleading claims. That could be true for any product regulated by the FDA, be it a drug, a cosmetic, a food, or a medical device.

In fact, I recall vividly the 1993 hearing that the Labor and Human Resources Committee held on dietary supplements. Then-Commissioner David Kessler came up and testified for the FDA. He spread out a table-full of products he believed made non-truthful claims. The reason I remember this so well was that I was so angry the Commissioner had brought this "show and tell" display to the Congress rather than take action against the products.

The question I asked him then remains operative today. If the FDA thinks there are products on the market that are inaccurately labeled, then why doesn't it remove them from the market?

Mr. HARKIN. So that there was absolutely no question about the FDA's authority in this area, during the debate on DSHEA we made clear that the FDA maintained its ability to act against false and misleading claims under section 343(a)(1) of the Federal Food, Drug and Cosmetic Act. This is the third important tool FDA maintains to assure consumers that they are taking safe and accurately labeled dietary supplement products.

I worked very hard to make certain that we provided the FDA with adequate authority in this area, but that we did not open up the opportunity for the agency to twist and torture the law as they had done in years past.

Mr. HATCH. Another concern related to the accuracy of claims is that of the manufacturer's ability to substantiate the claims made. Health claims made with respect to a product's ability to treat, mitigate or cure disease must be pre-approved by the FDA under a "significant scientific agreement" standard mandated by the Nutrition Labeling and Education Act (NLEA).

Claims not subject to this preapproval, that is, claims which describe the product's effect on the structure or function of the body, must be substantiated under the fourth tool we provided the FDA in DSHEA. Under

section 343(r)(6)(B) of the FFD&CA, manufacturers must be able to substantiate the accuracy of their claims made. That is an important consumer protection.

Mr. HARKIN. It is amazing to me, and a complete indication of how little-enforced DSHEA is, that the FDA has apparently never invoked this section of the law. We hope to correct that deficiency with our amendment today.

Mr. HATCH. I mention another important consumer protection included in the law. Questions have also been raised about the safety of supplements in the marketplace. In DSHEA, we added a fifth tool to FDA's arsenal—section 402(f)(1)(A), which deems that a dietary supplement is adulterated if it presents a significant or unreasonable risk of illness or injury under the conditions of use recommended or suggested in labeling. If no conditions of use are suggested or recommended in the labeling, then the FDA could act against a supplement that presented a significant or unreasonable risk of illness or injury under ordinary conditions or use.

This safety standard was carefully developed in close consultation with Senator KENNEDY and Congressmen JOHN DINGELL and HENRY WAXMAN, all of whom worked with us to assure we had the strongest possible measure.

Mr. HARKIN. If I could just amplify on that. To address any lingering concerns our colleagues might have that the FDA did not have adequate authority to act against an unsafe supplement, we provided an additional sixth tool to the Secretary of Health and Human Services. We gave the Secretary emergency authority to act against any supplement he believes poses an "imminent hazard" to public health.

Mr. HATCH. Indeed. That authority, contained within section 402(f)(1)(C) of the FFD&CA, allows the Secretary to act immediately, no questions asked, to remove a product from the market if he believes there is a safety problem. Similar emergency authority is contained within the drug law.

I must take this opportunity to reject the many press accounts, which have so irresponsibly and inaccurately alleged that the Dietary Supplement Health and Education Act "deregulated" dietary supplements, or falsely stated that "FDA's hands were tied" by our Act. Nothing is further from the truth, as we have just explained in outlining all the authorities provided to FDA to make certain dietary supplements are safe and accurately labeled.

Mr. HARKIN. I am in complete agreement. It astounds me that we could add so many new authorities to the law and have it called "deregulation." I am affronted by any suggestion that the majority of both bodies of Congress could have endangered the public health in a way these news reports have falsely claimed. That simply was not the case, and I hope whomever is planting all these inaccuracies will stop.

Mr. HATCH. So, with all of these tools in FDA's arsenal, legitimate questions have been raised about why unsafe or mislabeled products are being sold. Indeed, many of us are asking, "What is the problem? Why are these products still on the market?"

Mr. HARKIN. Implementation of this Act has not been a top priority of the Food and Drug Administration.

Mr. HATCH. I did a little research on this, and I found some information which may be of interest to my colleague, since he is the very capable chair of the Labor-HHS Subcommittee.

It might interest my colleagues to learn that the FDA, the government's most important consumer protection agency since it regulates over one-quarter of each dollar in goods sold, is severely at a disadvantage when its funding is compared to its sister public health agencies.

For the past three fiscal years, the FDA's appropriation has grown an average of 6.9 percent.

By comparison, the Centers for Disease Control's appropriation has grown an average of 12.5 percent; in fact, it grew 15.5 percent between fiscal year 2000 and fiscal year 2001.

The National Institutes of Health's budget has grown an average of 14.5 percent.

Mr. HARKIN. I am aware of this, and this is a situation we must work to rectify. Despite the best efforts of those of us who serve on the Appropriations Committee, the FDA is not getting the budget it deserves.

In fact, Senator HATCH and I had hoped to use our amendment as a vehicle for adding funds to the FDA's budget, but we were reluctant to divert funds from the many agriculture programs funded within this bill.

For that reason, we are offering this amendment today, in the hopes that it will focus FDA's efforts on better enforcement of the law.

Mr. HATCH. It is our hope that the House-Senate conferees may be able to work to add funds for dietary supplement enforcement, so that other programs of the FDA are not penalized through addition of our language.

Mr. HARKIN. That is correct.

Mr. President, so what our amendment does today is help the FDA make enforcement of DSHEA a top priority.

I want to emphasize as Senator HATCH did that the vast majority of dietary supplements are marketed safely and legally, by manufacturers who care deeply about the public and its health. However, for the few bad actors who are giving industry a bad name, who are taking advantage of a trusting public, I say "it is time to get tough."

In so doing, we admonish the agency not to wield the heavy hand it did for over three decades, the over-bearing attitude which led Congress to pass DSHEA so overwhelmingly in the first place.

Mr. HATCH. There is a reason that over two-thirds of both the House and Senate cosponsored our legislation, and that reason is quite simple:

Many of us recall FDA's efforts to classify vitamins as over-the-counter drugs if they exceeded 150 percent of the Recommended Daily Allowance, an effort which would have rendered 200 milligrams of vitamin C a drug. Congress rejected that with the Proxmire amendment in 1976.

More recently, many of us recall FDA's efforts to ban the supplement black currant oil by saying it was an unsafe food additive. The FDA's logic was that the black current oil was added to a food—the gelatin capsule in which it was contained. The Seventh Circuit rejected this logic, terming the FDA's scheme "Alice in Wonderland." The First Circuit also described FDA's approach as "nonsensical."

It was nonsensical, and we are all grateful that wiser heads have prevailed since.

So, let me make clear that the intent of our amendment is not to forearm the FDA so it can embark on another of these fairy-tale journeys, but rather to help it take enforcement actions against those who are clearly violative of three aspects of the law: whether products are accurately labeled; whether claims are truthful and non-misleading; and whether claims are substantiated.

Mr. HARKIN. It is our hope that the funding provided in our amendment will allow the FDA to devote additional staff to this effort. In so doing, we will be making great strides toward assuring Americans—be they farmers in Iowa, athletes in Utah, stay-at-home moms throughout the U.S., or even members of Congress—that the dietary supplement products they take are safe and accurately labeled.

Mr. HATCH. The FDA simply has to get serious about enforcing this law. We cannot allow the very few products of poor quality to cast a negative shadow over the rest of the industry, which is so law-abiding.

Before I yield the floor, I want to recognize the great efforts of my partner in this endeavor—Senator HARKIN. I am appreciative of his hard work here, and the fact that we can count on him for non-partisan leadership on behalf of both his constituents and the American consumers.

Mr. HARKIN. I am appreciative of the Senator from Utah's efforts as well. It is no secret here that he is the world's number one proponent of dietary supplements. He has done an effective job of helping promote the public health through safe dietary supplements and I am pleased we have joined together today in this amendment.

Mr. REID. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Madam President, did the unanimous consent agreement adopt the managers' amendment?

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, does anybody here know what is in the managers' amendment? Could we have at least a brief summary from the managers as to what is in the managers' amendment? How many amendments are there? How many?

Mr. KOHL. Do you want me to read off several?

Mr. MCCAIN. How many are there?

Mr. KOHL. There are about 35.

Mr. REID. Has the managers' amendment been agreed to yet?

The PRESIDING OFFICER. It has not.

Mr. REID. I ask unanimous consent that be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, but we should not be proud of this way of doing business, my friends. Thirty-five amendments that nobody has seen, except the two managers, that I know of; maybe someone else has, but I seriously doubt it. Thirty-five amendments. No Member has seen them. They may be technical in nature; they may be very substantive in nature.

I tell my colleagues, I will not agree to this again. We have several more appropriations bills. I will not agree to this again without at least knowing what the amendments are.

I remove my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1988 through 2016) were agreed to en bloc.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), is necessarily absent.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mrs. HUTCHISON) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 5, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—91

Akaka	Bennett	Brownback
Allard	Biden	Burns
Allen	Bingaman	Byrd
Baucus	Bond	Campbell
Bayh	Breaux	Cantwell

Carnahan	Grassley	Nelson (FL)
Carper	Hagel	Nelson (NE)
Chafee	Harkin	Nickles
Cleland	Hatch	Reed
Clinton	Helms	Reid
Cochran	Hollings	Roberts
Collins	Hutchinson	Rockefeller
Conrad	Inhofe	Santorum
Corzine	Inouye	Sarbanes
Craig	Jeffords	Schumer
Crapo	Johnson	Sessions
Daschle	Kennedy	Shelby
Dayton	Kerry	Smith (NH)
DeWine	Kohl	Smith (OR)
Dodd	Landrieu	Snowe
Domenici	Leahy	Specter
Dorgan	Levin	Stabenow
Durbin	Lieberman	Thomas
Edwards	Lincoln	Thompson
Enzi	Lott	Thurmond
Feingold	Lugar	Torricelli
Feinstein	McConnell	Warner
Fitzgerald	Mikulski	Miller
Frist	Miller	Wellstone
Graham	Murkowski	Wyden
Gramm	Murray	

## NAYS—5

Ensign	Kyl	Voinovich
Gregg	McCain	

## NOT VOTING—4

Boxer	Hutchison
Bunning	Stevens

The bill (H.R. 2330) was passed.  
(The bill will be printed in a future edition of the RECORD.)

Mr. COCHRAN. Madam President, I thank all staff who worked so hard to make this bill possible and to assist Senators during the deliberation of the bill, particularly those who have worked as members of my staff on this side of the aisle for the Appropriations Committee, Subcommittee on Agriculture: Rebecca Davies, who is the chief clerk; Martha Scott Poindexter; and Rachelle Schroeder.

I also want to commend a member of my personal staff who was on the floor and contributed in a very important way to the work on this bill, Hunter Moorhead.

Without their good assistance it would not have been possible to have such a good work product as this bill represents.

It was a pleasure working for the first time with the distinguished Senator from Wisconsin as chairman of the subcommittee, Senator KOHL. He did an excellent job, he and his fine staff, particularly Mr. Fountain, with whom we have worked for several years, and the others.

We appreciate very much their cooperation and their excellent professional assistance.

I hope Senators appreciate the fact that without the staff we have, their talent, their hard work, and their experience, it would have been impossible to get to the point we did tonight for final passage of this bill. For that, I am very grateful to all of them.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, is the Senate in a quorum call?

The PRESIDING OFFICER. It is not. Pursuant to the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr.

KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Mrs. MURRAY, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. CRAIG, and Mr. STEVENS conferees on the part of the Senate.

The Senator from Louisiana.

## EXPLANATION OF VOTES

Ms. LANDRIEU. Madam President, I was unable to cast my vote on H.R. 2506 and H.R. 3162. It would not change the outcome of either of the votes, so I ask unanimous consent that the RECORD reflect I would have voted in the affirmative on both of those measures had I been here.

Mr. COCHRAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

## A VERY PRODUCTIVE WEEK

Mr. REID. Madam President, this has been a very productive week for the Senate. We have completed two appropriations bills and the counterterrorism bill. We should feel very good about what we have been able to do. There was cooperation on both sides.

Next week I hope we will be just as productive. We have a lot of very important work to do in the short period before Thanksgiving. The majority leader has talked to all of us, and I think we should be reminded how important it is we complete our work.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMERICAN TRAVEL INDUSTRY STABILIZATION ACT

Mr. DORGAN. Mr. President, earlier I introduced the American Travel Industry Stabilization Act on behalf of myself, Senator CONRAD, Senator REID, Senator INOUE, and Senator SPECTER. I wish to simply explain the purpose for this. As we proceed to think through the economic stimulus package that we will put together to try to provide lift to this economy, we need to consider what has happened to the travel and tourism industry in this country. I had a hearing on this subject in the commerce subcommittee that I chair. We know we have provided some loan guarantees to the airlines, and they were very much needed loan guarantees, and I supported them.

But, there are a range of other travel and tourism businesses and industries in this country that are in desperate trouble. We propose some loan guarantees to try to be helpful to them during these difficult times. Their businesses are directly tied to the airline industry. When this country shut down the airline industry, we, of course, had a significant impact on the ancillary businesses attached to that industry as well.

I want to call attention to this bill today in the hope that my colleagues who are interested in this subject—and I know there are many of them—may consider cosponsoring this legislation. I know my colleague, Senator REID, who is in the Chamber may well wish to say a few words as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I applaud and commend the Senator from North Dakota for his leadership on this issue. The travel industry needs help. This bill will give the travel industry the shot in the arm it needs. Whether it is travel agents, whether it is rental car agencies, or the myriad of other people who support the tourism industry, we must start someplace. This is certainly a start.

In 30 States, the No. 1, No. 2, or No. 3 economic driving force in those States is tourism and we have kind of ignored tourism since September 11. We can no longer afford to do that.

I look forward to working with my colleagues who are sponsors of this legislation and the rest of the Senate. This is essential legislation and I hope we can move it very quickly.

## AVIATION SECURITY

Mr. KERRY. Mr. President, it is Thursday of almost the fifth or sixth week since September 11. We still have not passed aviation security in the U.S. Congress. I cannot impress upon my colleagues enough how much I hear from aviation personnel, from law enforcement personnel, and from people throughout our country, how we are beginning to press the line of irresponsibility in our not having moved on this.

There is a reason our economy is still hurting. There are many reasons. None of them are going to be solved by any one single component. We understand that. We began September with a huge overhang in the telecommunications industry. All of us knew the stocks in the marketplace were significantly overvalued. There was almost a decline taking place prior to September 11. But we have a responsibility to do everything in our power to begin to turn the economy around and to protect a lot of our citizens who are beginning to feel a lot of economic pain.

One of the principal ways we can do that is in the stimulus package itself, as well as in passing aviation security.

I have heard some of my colleagues on the other side of the aisle in the